



CHAMBER ACTION

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The Committee on State Administration recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to public records; amending s. 500.148, F.S.; providing an exemption from public records requirements for certain federal information that is otherwise confidential under federal law and that is provided to the Department of Agriculture and Consumer Services for purposes of food safety investigations, federal-state contracts and partnership activities, and regulatory reviews; prohibiting the disclosure of such information unless a federal agency has found that the information is no longer entitled to protection or unless ordered by a court; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

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

Section 1. Section 500.148, Florida Statutes, is amended to read:



HB 1061

2003
CS

29 | 500.148 Reports and dissemination of information;
30 | confidentiality.--

31 | (1) The department may publish from time to time reports
32 | summarizing all judgments and court orders that have been
33 | rendered under this chapter, including the nature of the charges
34 | and the disposition thereof.

35 | (2) The department may also disseminate any information
36 | regarding food that it considers necessary in the interest of
37 | public health and the protection of the consumer against fraud.
38 | Nothing in this section shall be construed to prohibit the
39 | department from collecting, reporting, and illustrating the
40 | results of these investigations.

41 | (3) Information deemed confidential under 21 C.F.R. part
42 | 20.61, part 20.62, or part 20.88, or U.S.C. s. 552(b), and which
43 | is provided to the department during a joint food safety or food
44 | illness investigation, as a requirement for conducting a
45 | federal-state contract or partnership activity, or for
46 | regulatory review, is confidential and exempt from s. 119.07(1)
47 | and s. 24(a), Art. I of the State Constitution. Such
48 | information may not be disclosed except under a final
49 | determination by the appropriate federal agencies that such
50 | records are no longer entitled to protection, or pursuant to an
51 | order of the court. This section is subject to the Open
52 | Government Sunset Review Act of 1995 in accordance with s.
53 | 119.15, and shall stand repealed on October 2, 2008, unless
54 | reviewed and saved from repeal through reenactment by the
55 | Legislature.



56 ~~(4)(3)~~ Upon request of a food establishment, the
 57 department may issue a report certifying that the requesting
 58 food establishment currently complies with the sanitation and
 59 permitting requirements of this chapter and the rules
 60 promulgated thereunder. Such certification may be requested for
 61 the purpose of exporting food to a foreign country. The
 62 department is authorized to recover the cost associated with
 63 carrying out the provisions of this subsection, the amount of
 64 which shall be set by rule.

65 Section 2. The Legislature finds that it is a public
 66 necessity that information concerning investigations of food
 67 safety or food illness which is otherwise confidential under
 68 federal law remain confidential and exempt when shared with the
 69 Department of Agriculture and Consumer Services. It is
 70 essential that the department have access to such information
 71 provided by federal and other state agencies in order to conduct
 72 investigations and carry out contracts and partnership
 73 agreements. The Legislature further finds that federal agencies
 74 are reluctant to seek the department's review on important
 75 regulatory matters if information that is confidential under
 76 federal law would be subject to disclosure. Therefore, the
 77 Legislature finds that the harm caused by the release of such
 78 information substantially outweighs any minimal public benefit
 79 derived from disclosure of federal information that is otherwise
 80 confidential.

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