



1 A bill to be entitled

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

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

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

20 500.148 Reports and dissemination of information;
21 confidentiality.--

22 (1) The department may publish from time to time reports
23 summarizing all judgments and court orders that have been
24 rendered under this chapter, including the nature of the charges
25 and the disposition thereof.

26 (2) The department may also disseminate any information
27 regarding food that it considers necessary in the interest of
28 public health and the protection of the consumer against fraud.



29 Nothing in this section shall be construed to prohibit the
30 department from collecting, reporting, and illustrating the
31 results of these investigations.

32 (3) Information deemed confidential under 21 C.F.R. part
33 20.61, part 20.62, or part 20.88, or U.S.C. s. 552(b), and which
34 is provided to the department during a joint food safety or food
35 illness investigation, as a requirement for conducting a
36 federal-state contract or partnership activity, or for
37 regulatory review, is confidential and exempt from s. 119.07(1)
38 and s. 24(a), Art. I of the State Constitution. Such
39 information may not be disclosed except under a final
40 determination by the appropriate federal agencies that such
41 records are no longer entitled to protection, or pursuant to an
42 order of the court. This section is subject to the Open
43 Government Sunset Review Act of 1995 in accordance with s.
44 119.15, and shall stand repealed on October 2, 2008, unless
45 reviewed and saved from repeal through reenactment by the
46 Legislature.

47 ~~(4)~~(3) Upon request of a food establishment, the
48 department may issue a report certifying that the requesting
49 food establishment currently complies with the sanitation and
50 permitting requirements of this chapter and the rules
51 promulgated thereunder. Such certification may be requested for
52 the purpose of exporting food to a foreign country. The
53 department is authorized to recover the cost associated with
54 carrying out the provisions of this subsection, the amount of
55 which shall be set by rule.



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

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