



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 5 U.S.C. s. 552(b), and  
34 which is provided to the department during a joint food safety  
35 or food 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44 119.15, and shall stand repealed on October 2, 2008, unless  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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