

By Senator Argenziano

3-546B-03

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 certain federal
 5 records that are otherwise confidential under
 6 federal law and that are provided to the
 7 Department of Agriculture and Consumer Services
 8 for purposes of food safety investigations,
 9 contracts and partnership activities, and
 10 regulatory reviews; prohibiting the disclosure
 11 of such information unless a federal agency has
 12 found that the record is no longer entitled to
 13 protection or unless ordered by a court;
 14 providing for future legislative review and
 15 repeal; providing a finding of public
 16 necessity; providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

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

22 500.148 Reports and dissemination of information;
 23 confidentiality.--

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

28 (2) The department may also disseminate any
 29 information regarding food that it considers necessary in the
 30 interest of public health and the protection of the consumer
 31 against fraud. Nothing in this section shall be construed to

1 prohibit the department from collecting, reporting, and
2 illustrating the results of these investigations.

3 (3) Federal records deemed confidential under 21
4 C.F.R. part 20.61, part 20.62, or part 20.88, or U.S.C. s.
5 552(b), and which are provided to the department for
6 assistance during a joint food safety or food illness
7 investigation, as a requirement for conducting a federal-state
8 contract or partnership activity, or for regulatory review,
9 are confidential and exempt from s. 119.07(1) and s. 24(a),
10 Art. I of the State Constitution. Such information may not be
11 disclosed except under a final determination by the
12 appropriate federal agencies that such records are no longer
13 entitled to protection, or pursuant to an order of the court.
14 This section is subject to the Open Government Sunset Review
15 Act of 1995 in accordance with s. 119.15, and shall stand
16 repealed on October 7, 2008, unless reviewed and saved from
17 repeal through reenactment by the Legislature.

18 (4)(3) Upon request of a food establishment, the
19 department may issue a report certifying that the requesting
20 food establishment currently complies with the sanitation and
21 permitting requirements of this chapter and the rules
22 promulgated thereunder. Such certification may be requested
23 for the purpose of exporting food to a foreign country. The
24 department is authorized to recover the cost associated with
25 carrying out the provisions of this subsection, the amount of
26 which shall be set by rule.

27 Section 2. The Legislature finds that it is a public
28 necessity that records and information concerning
29 investigations of food-borne illness which are otherwise
30 confidential under federal law remain confidential when shared
31 with the Department of Agriculture and Consumer Services. It

