

By the Committee on Agriculture

575-02384-21

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1 A bill to be entitled

2 An act relating to a review under the Open Government  
3 Sunset Review Act; amending s. 573.123, F.S., which  
4 provides an exemption from public records requirements  
5 for trade secret information of a person subject to a  
6 marketing order held by the Department of Agriculture  
7 and Consumer Services; removing the scheduled repeal  
8 of the exemption; providing an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Section 573.123, Florida Statutes, is amended to  
13 read:

14 573.123 Maintenance and production of records.—

15 (1) The department may require any and all persons directly  
16 affected by and subject to the provisions of any marketing order  
17 to maintain books and records reflecting their operations under  
18 the marketing order, to furnish to the department or its duly  
19 authorized or designated representative or representatives any  
20 information as may be from time to time requested by them  
21 relating to operations under the marketing order, and to permit  
22 the inspection by the department or its duly authorized or  
23 designated representative or representatives of such portions of  
24 the books and records as relate to operations under the  
25 marketing order.

26 (2) Information that, if disclosed, would reveal a trade  
27 secret, as defined in s. 812.081, of any person subject to a  
28 marketing order is confidential and exempt from s. 119.07(1) and  
29 s. 24(a), Art. I of the State Constitution and may not be

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30 disclosed except to an attorney who provides legal advice to the  
31 division about enforcing a marketing order or by court order. A  
32 person who receives confidential information under this  
33 subsection shall maintain the confidentiality of that  
34 information. ~~This subsection is subject to the Open Government  
35 Sunset Review Act in accordance with s. 119.15 and shall stand  
36 repealed on October 2, 2021, unless reviewed and saved from  
37 repeal through reenactment by the Legislature.~~

38 (3) The department or its duly authorized or designated  
39 representative or representatives may hold hearings, take  
40 testimony, administer oaths, subpoena witnesses, and issue  
41 subpoenas for the production of books, records, or documents  
42 relevant and material to the subject matter of the hearings.

43 (4) No person shall be excused from attending and  
44 testifying or from producing documentary evidence before the  
45 department, or its duly authorized or designated representative  
46 or representatives, in obedience to the subpoena of the  
47 department on the ground or the reason that the testimony or  
48 evidence, documentary or otherwise, required of the person may  
49 tend to incriminate her or him or subject her or him to a  
50 penalty or forfeiture. But no natural person shall be prosecuted  
51 or subjected to any penalty or forfeiture for or on account of  
52 any transaction, matter, or thing concerning which she or he may  
53 be so required to testify, or to produce evidence, documentary  
54 or otherwise, before the department in obedience to a subpoena  
55 issued, provided no natural person so testifying shall be exempt  
56 from prosecution and punishment for perjury committed in so  
57 testifying.

58 Section 2. This act shall take effect October 1, 2021.