

FOR CONSIDERATION By the Committee on Agriculture

575-02233-21

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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 relates to an exemption from public records
5 requirements for trade secret information of a person
6 subject to a marketing order held by the Department of
7 Agriculture and Consumer Services; removing the
8 scheduled repeal of the exemption; providing an
9 effective date.

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

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

15 573.123 Maintenance and production of records.—

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

27 (2) Information that, if disclosed, would reveal a trade
28 secret, as defined in s. 812.081, of any person subject to a
29 marketing order is confidential and exempt from s. 119.07(1) and

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30 s. 24(a), Art. I of the State Constitution and may not be
31 disclosed except to an attorney who provides legal advice to the
32 division about enforcing a marketing order or by court order. A
33 person who receives confidential information under this
34 subsection shall maintain the confidentiality of that
35 information. ~~This subsection is subject to the Open Government~~
36 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~
37 ~~repealed on October 2, 2021, unless reviewed and saved from~~
38 ~~repeal through reenactment by the Legislature.~~

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

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

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