



HB 1061

2003
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CHAMBER ACTION

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Representative Bowen and the Committee on Agriculture recommend the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

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

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



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29 Section 1. Section 500.148, Florida Statutes, is amended
30 to read:

31 500.148 Reports and dissemination of information;
32 confidentiality.--

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

37 (2) The department may also disseminate any information
38 regarding food that it considers necessary in the interest of
39 public health and the protection of the consumer against fraud.
40 Nothing in this section shall be construed to prohibit the
41 department from collecting, reporting, and illustrating the
42 results of these investigations.

43 (3) Information deemed confidential under 21 C.F.R. part
44 20.61, part 20.62, or part 20.88, or U.S.C. s. 552(b), and which
45 is provided to the department during a joint food safety or food
46 illness investigation, as a requirement for conducting a
47 federal-state contract or partnership activity, or for
48 regulatory review, is confidential and exempt from s. 119.07(1)
49 and s. 24(a), Art. I of the State Constitution. Such
50 information may not be disclosed except under a final
51 determination by the appropriate federal agencies that such
52 records are no longer entitled to protection, or pursuant to an
53 order of the court. This section is subject to the Open
54 Government Sunset Review Act of 1995 in accordance with s.
55 119.15, and shall stand repealed on October 2, 2008, unless



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56 reviewed and saved from repeal through reenactment by the
57 Legislature.

58 ~~(4)(3)~~ Upon request of a food establishment, the
59 department may issue a report certifying that the requesting
60 food establishment currently complies with the sanitation and
61 permitting requirements of this chapter and the rules
62 promulgated thereunder. Such certification may be requested for
63 the purpose of exporting food to a foreign country. The
64 department is authorized to recover the cost associated with
65 carrying out the provisions of this subsection, the amount of
66 which shall be set by rule.

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



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83 | Section 3. This act shall take effect on the same date
84 | that HB 339 or similar legislation takes effect, if such
85 | legislation is adopted in the same legislative session or an
86 | extension thereof and becomes law.