

By the Committee on Agriculture

575-04038-08

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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. 500.148, F.S.; revising an
4 exemption from the public-records law provided for certain
5 information provided to the Department of Agriculture and
6 Consumer Services under its regulatory authority; saving
7 the exemption from repeal under the Open Government Sunset
8 Review Act; deleting the provision providing for repeal of
9 the exemption; providing an effective date.

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

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13 Section 1. Section 500.148, Florida Statutes, is amended to
14 read:

15 500.148 Reports and dissemination of information;
16 confidentiality.--

17 (1)(a) Information that is deemed confidential under 21
18 C.F.R. part 20.61, part 20.62, or part 20.88, or 5 U.S.C. s.
19 552(b), and that is provided to the department during a joint
20 investigation concerning food safety or food illness, as a
21 requirement for conducting a federal-state contract or
22 partnership activity, or for regulatory review, is confidential
23 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
24 Constitution.

25 (b) Such confidential and exempt information may not be
26 disclosed except under a final determination by the appropriate
27 federal agency that the information is no longer entitled to
28 protection or pursuant to an order of the court.

29 (c) This section does not prohibit the department from

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30 collecting, reporting, or illustrating the results of these
31 investigations.

32 (2) The department may:

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

37 (b) ~~(2)~~ The department may also Disseminate any information
38 regarding food which ~~that~~ it considers necessary in the interest
39 of public health and the protection of the consumer against
40 fraud. ~~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 5 U.S.C. s. 552(b), and~~
45 ~~which is provided to the department during a joint food safety or~~
46 ~~food illness investigation, as a requirement for conducting a~~
47 ~~federal-state contract or partnership activity, or for regulatory~~
48 ~~review, is confidential and exempt from s. 119.07(1) and s.~~
49 ~~24(a), Art. I of the State Constitution. Such information may not~~
50 ~~be disclosed except under a final determination by the~~
51 ~~appropriate federal agencies that such records are no longer~~
52 ~~entitled to protection, or pursuant to an order of the court.~~
53 ~~This section is subject to the Open Government Sunset Review Act~~
54 ~~of 1995 in accordance with s. 119.15, and shall stand repealed on~~
55 ~~October 2, 2008, unless reviewed and saved from repeal through~~
56 ~~reenactment by the Legislature.~~

57 (a) ~~(4)~~ Upon request of a food establishment, the department
58 may issue a report certifying that the requesting food

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59 establishment currently complies with the sanitation and
60 permitting requirements of this chapter and the rules adopted
61 ~~promulgated~~ thereunder. Such certification may be requested for
62 the purpose of exporting food to a foreign country.

63 (b) The department may ~~is authorized to~~ recover the cost
64 associated with carrying out the provisions of this subsection,
65 the amount of which shall be set by rule.

66 Section 2. This act shall take effect October 1, 2008.