

By the Committees on Agriculture; Agriculture

575-04541-08

20081630c1

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:

12  
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-borne 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.