

HB 7055

2008

1                   A bill to be entitled  
2           An act relating to a review under the Open Government  
3           Sunset Review Act regarding food safety or food-borne  
4           illness investigations; amending s. 500.148, F.S.;  
5           reorganizing the exemption; removing the scheduled repeal  
6           of the exemption; providing an effective date.

7  
8   Be It Enacted by the Legislature of the State of Florida:

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10           Section 1. Section 500.148, Florida Statutes, is amended  
11           to read:

12           500.148 Reports and dissemination of information;  
13           confidentiality.--

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

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

25           (c) Nothing in this section shall be construed to prohibit  
26           the department from collecting, reporting, and illustrating the  
27           results of these investigations.

28           (2) The department may:

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29        (a) Publish ~~from time to time~~ reports summarizing all  
30 judgments and court orders that have been rendered under this  
31 chapter, including the nature of the charges and the disposition  
32 thereof.

33        (b)(2) ~~The department may also~~ Disseminate any information  
34 regarding food that it considers necessary in the interest of  
35 public health and the protection of the consumer against fraud.  
36 ~~Nothing in this section shall be construed to prohibit the~~  
37 ~~department from collecting, reporting, and illustrating the~~  
38 ~~results of these investigations.~~

39        (3) ~~Information deemed confidential under 21 C.F.R. part~~  
40 ~~20.61, part 20.62, or part 20.88, or 5 U.S.C. s. 552(b), and~~  
41 ~~which is provided to the department during a joint food safety~~  
42 ~~or food illness investigation, as a requirement for conducting a~~  
43 ~~federal state contract or partnership activity, or for~~  
44 ~~regulatory review, is confidential and exempt from s. 119.07(1)~~  
45 ~~and s. 24(a), Art. I of the State Constitution. Such information~~  
46 ~~may not be disclosed except under a final determination by the~~  
47 ~~appropriate federal agencies that such records are no longer~~  
48 ~~entitled to protection, or pursuant to an order of the court.~~  
49 ~~This section is subject to the Open Government Sunset Review Act~~  
50 ~~of 1995 in accordance with s. 119.15, and shall stand repealed~~  
51 ~~on October 2, 2008, unless reviewed and saved from repeal~~  
52 ~~through reenactment by the Legislature.~~

53        (a)(4) Upon request of a food establishment, the  
54 department may issue a report certifying that the requesting  
55 food establishment currently complies with the sanitation and  
56 permitting requirements of this chapter and the rules

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57 | promulgated thereunder. Such certification may be requested for  
58 | the purpose of exporting food to a foreign country.

59 |       (b) The department is authorized to recover the cost  
60 | associated with carrying out the provisions of this subsection,  
61 | the amount of which shall be set by rule.

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