

PCB GEAC 08-11

ORIGINAL

YEAR

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; deleting the provision that
 6 provides for repeal of the exemption under the Open
 7 Government Sunset Review Act; providing an effective date.

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

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

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

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

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

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

29 (2) The department may:

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

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

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

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

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

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

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