

Committee Substitute for Senate Bill No. 1630

An act relating to a review under the Open Government Sunset Review Act; amending s. 500.148, F.S.; revising an exemption from the public-records law provided for certain information provided to the Department of Agriculture and Consumer Services under its regulatory authority; saving the exemption from repeal under the Open Government Sunset Review Act; deleting the provision providing for repeal of the exemption; providing an effective date.

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

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

500.148 Reports and dissemination of information; confidentiality.—

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

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

(c) This section does not prohibit the department from collecting, reporting, or illustrating the results of these investigations.

(2) The department may:

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

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

~~(3) Information deemed confidential under 21 C.F.R. part 20.61, part 20.62, or part 20.88, or 5 U.S.C. s. 552(b), and which is provided to the department during a joint food safety or food illness investigation, as a requirement for conducting a federal-state contract or partnership activity, or for regulatory review, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such information may not be disclosed except under a final determination by the appropriate federal agencies that such records are no longer entitled to protection, or pursuant to an order of~~

~~the court. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2008, unless reviewed and saved from repeal through reenactment by the Legislature.~~

(a)~~(4)~~ Upon request of a food establishment, the department may issue a report certifying that the requesting food establishment currently complies with the sanitation and permitting requirements of this chapter and the rules adopted ~~promulgated~~ thereunder. Such certification may be requested for the purpose of exporting food to a foreign country.

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

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

Approved by the Governor June 23, 2008.

Filed in Office Secretary of State June 23, 2008.