

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 379.362, F.S.; creating an exemption from public
 4 records requirements for certain aquaculture records;
 5 authorizing disclosure of such records under certain
 6 conditions; providing applicability; providing for
 7 future legislative review and repeal; providing a
 8 statement of public necessity; providing an effective
 9 date.

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

12
 13 Section 1. Subsection (6) of section 379.362, Florida
 14 Statutes, is amended to read:

15 379.362 Wholesale and retail saltwater products dealers;
 16 regulation.—

17 (6) RECORDS TO BE KEPT ON SALTWATER PRODUCTS; PUBLIC
 18 RECORDS EXEMPTION.—

19 (a) Wholesale dealers shall be required by the commission
 20 to make and preserve a record of the names and addresses of
 21 persons from whom or to whom saltwater products are purchased or
 22 sold, the quantity so purchased or sold from or to each vendor
 23 or purchaser, and the date of each such transaction. Retail
 24 dealers shall be required to make and preserve a record from
 25 whom all saltwater products are purchased. Such record shall be

26 open to inspection at all times by the commission. A report
 27 covering the sale of saltwater products shall be made monthly or
 28 as often as required by rule to the commission by each wholesale
 29 dealer. All reports required under this subsection are
 30 confidential and shall be exempt from the provisions of s.
 31 119.07(1) except that, pursuant to authority related to
 32 interstate fishery compacts as provided by ss. 379.2253(3) and
 33 379.2254(3), reports may be shared with another state if that
 34 state is a member of an interstate fisheries compact, and if
 35 that state has signed a Memorandum of Agreement or a similar
 36 instrument agreeing to preserve confidentiality as established
 37 by Florida law.

38 (b)1. The following records held by the department are
 39 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I.
 40 of the State Constitution:

41 a. Shellfish receiving and production records generated by
 42 shellfish processing facilities licensed pursuant to s. 597.020.

43 b. Audit records and supporting documentation required for
 44 submerged land leases issued pursuant to chapter 253 or former
 45 chapter 370.

46 c. Aquaculture production records and receipts generated
 47 by aquaculture facilities certified pursuant to s. 597.004.

48 2. A record made confidential and exempt under this
 49 paragraph may be disclosed to another governmental entity in the
 50 performance of its duties and responsibilities and may be

51 disclosed pursuant to s. 474.2165.

52 3. This exemption applies to aquaculture records held
53 before, on, or after July 1, 2021.

54 4. This paragraph is subject to the Open Government Sunset
55 Review Act in accordance with s. 119.15 and shall stand repealed
56 on October 2, 2026, unless reviewed and saved from repeal
57 through reenactment by the Legislature.

58 Section 2. The Legislature finds that it is a public
59 necessity that production records related to aquaculture and
60 shellfish facilities held by the Department of Agriculture and
61 Consumer Services should be made confidential and exempt from s.
62 119.07(1), Florida Statutes, and s. 24(a), Article I of the
63 State Constitution. Without the exemption, the department may be
64 hindered from obtaining valuable information due to the limited
65 nature of the industry, the veracity of the information
66 provided, and the inability to maintain confidentiality of
67 information that is required by Florida law. With this
68 exemption, the department can protect this limited industry and
69 its facilities while maintaining compliance with federal
70 partners and documenting compliance of aquaculturists with
71 statutory requirements.

72 Section 3. This act shall take effect July 1, 2021.