

By Senator Brodeur

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1                   A bill to be entitled  
2       An act relating to public records; creating s.  
3       597.0042, F.S.; providing a public records exemption  
4       for certain aquaculture records held by the Department  
5       of Agriculture and Consumer Services; providing that  
6       the records may be disclosed to other governmental  
7       entities under certain circumstances; providing for  
8       retroactive application of the exemption; providing  
9       for future legislative review and repeal under the  
10      Open Government Sunset Review Act; providing a  
11      statement of public necessity; providing an effective  
12      date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

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16       Section 1. Section 597.0042, Florida Statutes, is created  
17 to read:

18       597.0042 Public records exemptions; aquaculture records.—

19       (1) The following records held by the department are  
20 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
21 of the State Constitution:

22       (a) Shellfish receiving and production records generated by  
23 shellfish processing facilities licensed pursuant to s. 597.020.

24       (b) Audit records and supporting documentation required for  
25 submerged land leases issued in accordance with chapter 253 or  
26 former chapter 370.

27       (c) Aquaculture production records and receipts generated  
28 by aquaculture facilities certified pursuant to s. 597.004.

29       (2) A record made confidential and exempt under subsection

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30 (1) may be disclosed to another governmental entity in the  
31 performance of its duties and responsibilities and may be  
32 disclosed pursuant to s. 474.2165.

33 (3) The exemption from public records requirements under  
34 subsection (1) applies to aquaculture records held before, on,  
35 or after July 1, 2021.

36 (4) This section is subject to the Open Government Sunset  
37 Review Act in accordance with s. 119.15 and shall stand repealed  
38 on October 2, 2026, unless reviewed and saved from repeal  
39 through reenactment by the Legislature.

40 Section 2. The Legislature finds that it is a public  
41 necessity that certain production records related to aquaculture  
42 and shellfish facilities held by the Department of Agriculture  
43 and Consumer Services be made confidential and exempt from  
44 disclosure under s. 119.07(1), Florida Statutes, and s. 24(a),  
45 Article I of the State Constitution. In the absence of the  
46 exemption, the department may be hindered from obtaining  
47 valuable and accurate information due to the nature of the  
48 industry and its inability to maintain confidentiality of  
49 information that is required by Florida law. With this  
50 exemption, the department can protect this industry and its  
51 facilities while maintaining compliance with federal partners  
52 and documenting the compliance of aquaculture producers with  
53 statutory requirements.

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