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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.

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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37 Review Act in accordance with s. 119.15 and shall stand repealed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.