

CHAPTER 2021-59

Senate Bill No. 1634

An act relating to public records; creating s. 597.0042, F.S.; providing a public records exemption for certain aquaculture records held by the Department of Agriculture and Consumer Services; providing that the records may be disclosed to other governmental entities under certain circumstances; providing for retroactive application of the exemption; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

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

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

597.0042 Public records exemptions; aquaculture records.—

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

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

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

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

(2) A record made confidential and exempt under subsection (1) may be disclosed to another governmental entity in the performance of its duties and responsibilities and may be disclosed pursuant to s. 474.2165.

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

(4) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that certain production records related to aquaculture and shellfish facilities held by the Department of Agriculture and Consumer Services be made confidential and exempt from disclosure under s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. In the absence of the exemption, the department may be hindered from obtaining valuable and accurate information due to the nature of the industry and its inability to maintain

confidentiality of information that is required by Florida law. With this exemption, the department can protect this industry and its facilities while maintaining compliance with federal partners and documenting the compliance of aquaculture producers with statutory requirements.

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

Approved by the Governor June 4, 2021.

Filed in Office Secretary of State June 4, 2021.