

By Senator Gainer

2-00856A-20

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1 A bill to be entitled
2 An act relating to public records; creating s. 597.31,
3 F.S.; providing a public records exemption for certain
4 aquaculture records held by the Department of
5 Agriculture and Consumer Services; providing
6 applicability; providing for future legislative review
7 and repeal under the Open Government Sunset Review
8 Act; providing a statement of public necessity;
9 providing an effective date.

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

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13 Section 1. Section 597.31, Florida Statutes, is created to
14 read:

15 597.31 Public records exemptions; aquaculture records.-

16 (1) The following information held by the department is
17 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
18 Constitution:

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

21 (b) Planting and harvesting amounts, vendor information,
22 and supporting invoices and receipts reported to the department
23 pursuant to submerged land leases issued in accordance with
24 chapter 253 or former chapter 370.

25 (c) Aquaculture production volume, inventory records, and
26 invoices or receipts generated by aquaculture facilities
27 certified pursuant to s. 597.004.

28 (2) The exemption from public records requirements under
29 subsection (1) applies to aquaculture records held before, on,

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30 or after July 1, 2020.

31 (3) This section is subject to the Open Government Sunset
32 Review Act in accordance with s. 119.15 and shall stand repealed
33 on October 2, 2025, unless reviewed and saved from repeal
34 through reenactment by the Legislature.

35 Section 2. The Legislature finds that it is a public
36 necessity to make certain production information related to
37 aquaculture businesses exempt from s. 119.07(1), Florida
38 Statutes, and s. 24(a), Article I of the State Constitution to
39 encourage producers to operate in this state and to protect
40 aquaculture facilities and leases from theft. Producers are
41 required to provide receiving logs, production volume records,
42 inventories, and receipts and invoices related to aquaculture
43 facilities to the Department of Agriculture and Consumer
44 Services to ensure compliance with the terms and conditions of
45 sovereign submerged land lease agreements and aquaculture best
46 management practices. However, these records include
47 information, such as quantity and price of seed stock purchased
48 and harvest times which, if released, could be detrimental to
49 individual businesses. Information regarding products, harvest
50 times, and locations make aquaculture businesses susceptible to
51 theft, particularly with respect to sovereign submerged land
52 leases in remote locations. Because these records are public,
53 aquaculture businesses may be deterred from working in this
54 state and are less inclined to provide the required information
55 to the department, making the department's monitoring
56 responsibilities more difficult.

57 Section 3. This act shall take effect July 1, 2020.