

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,  
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32 | Review Act in accordance with s. 119.15 and shall stand repealed  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.