

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Environment, Agriculture &
2 Flooding Subcommittee

3 Representative Learned offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 597.0042 Public records exemptions; aquaculture records.-

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

13 (a) Shellfish receiving and production records generated
14 by shellfish processing facilities licensed pursuant to s.
15 597.020.

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16 (b) Audit records and supporting documentation required
17 for submerged land leases issued pursuant to chapter 253 or
18 former chapter 370.

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

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

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

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29 Review Act in accordance with s. 119.15 and shall stand repealed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

32 Section 2. The Legislature finds that it is a public
33 necessity that certain production records related to aquaculture
34 and shellfish facilities held by the Department of Agriculture
35 and Consumer Services should be made confidential and exempt
36 from disclosure under s. 119.07(1), Florida Statutes, and s.
37 24(a), Article I of the State Constitution. Producers are
38 required to provide receiving logs, production volume records,
39 inventories, and receipts and invoices related to aquaculture
40 facilities to the department to ensure compliance with the terms

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41 and conditions of sovereign submerged land lease agreements and
42 aquaculture best management practices. However, these records
43 include information, such as quantity and price of seed stock
44 purchased and harvest times, which, if released, could be
45 detrimental to individual businesses. Information regarding
46 products, harvest times, and locations make aquaculture
47 businesses susceptible to theft, particularly with respect to
48 sovereign submerged land leases in remote locations. Without the
49 exemption, the department may be hindered from obtaining
50 valuable information and fulfilling monitoring responsibilities
51 due to the limited nature of the industry, the veracity of the
52 information provided, and the inability to maintain
53 confidentiality of information that is required by Florida law.
54 Additionally, aquaculture businesses may be deterred from
55 working in this state. With this exemption, the department can
56 protect this industry and its facilities while maintaining
57 compliance with federal partners and documenting the compliance
58 of aquaculture producers with statutory requirements.

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

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62 **T I T L E A M E N D M E N T**

63 Remove everything before the enacting clause and insert:
64 An act relating to public records; creating s. 597.0042,
65 F.S.; creating an exemption from public records

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1399 (2021)

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66 requirements for certain aquaculture records; authorizing
67 disclosure of such records under certain conditions;
68 providing applicability; providing for future legislative
69 review and repeal; providing a statement of public
70 necessity; providing an effective date.