

1                                    A bill to be entitled  
 2                    An act relating to public records; creating s.  
 3                    597.0042, F.S.; creating an exemption from public  
 4                    records requirements for certain aquaculture records;  
 5                    authorizing disclosure of such records under certain  
 6                    conditions; providing applicability; providing for  
 7                    future legislative review and repeal; providing a  
 8                    statement of public necessity; providing an effective  
 9                    date.

10  
 11 Be It Enacted by the Legislature of the State of Florida:

12  
 13                    Section 1.    Section 597.0042, Florida Statutes, is created  
 14                    to read:

15                    597.0042 Public records exemptions; aquaculture records.-

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

19                    (a) Shellfish receiving and production records generated  
 20                    by shellfish processing facilities licensed pursuant to s.  
 21                    597.020.

22                    (b) Audit records and supporting documentation required  
 23                    for submerged land leases issued pursuant to chapter 253 or  
 24                    former chapter 370.

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

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

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

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 35 Review Act in accordance with s. 119.15 and shall stand repealed  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

38 Section 2. The Legislature finds that it is a public  
 39 necessity that certain production records related to aquaculture  
 40 and shellfish facilities held by the Department of Agriculture  
 41 and Consumer Services should be made confidential and exempt  
 42 from disclosure under s. 119.07(1), Florida Statutes, and s.  
 43 24(a), Article I of the State Constitution. Producers are  
 44 required to provide receiving logs, production volume records,  
 45 inventories, and receipts and invoices related to aquaculture  
 46 facilities to the department to ensure compliance with the terms  
 47 and conditions of sovereign submerged land lease agreements and  
 48 aquaculture best management practices. However, these records  
 49 include information, such as quantity and price of seed stock

50 purchased and harvest times, which, if released, could be  
51 detrimental to individual businesses. Information regarding  
52 products, harvest times, and locations make aquaculture  
53 businesses susceptible to theft, particularly with respect to  
54 sovereign submerged land leases in remote locations. Without the  
55 exemption, the department may be hindered from obtaining  
56 valuable information and fulfilling monitoring responsibilities  
57 due to the limited nature of the industry, the veracity of the  
58 information provided, and the inability to maintain  
59 confidentiality of information that is required by Florida law.  
60 Additionally, aquaculture businesses may be deterred from  
61 working in this state. With this exemption, the department can  
62 protect this industry and its facilities while maintaining  
63 compliance with federal partners and documenting the compliance  
64 of aquaculture producers with statutory requirements.

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