A bill to be entitled
An act relating to public records; creating s. 597.31, F.S.; providing a public records exemption for certain aquaculture records held by the Department of Agriculture and Consumer Services; providing applicability; 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 597.31, Florida Statutes, is created to read:

597.31 Public records exemptions; aquaculture records.—
(1) The following information held by the department is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:
(a) Shellfish receiving and production logs generated by shellfish processing facilities licensed pursuant to s. 597.020.
(b) Planting and harvesting amounts, vendor information, and supporting invoices and receipts reported to the department pursuant to submerged land leases issued in accordance with chapter 253 or former chapter 370.
(c) Aquaculture production volume, inventory records, and invoices or receipts generated by aquaculture facilities certified pursuant to s. 597.004.
(2) The exemption from public records requirements under subsection (1) applies to aquaculture records held before, on,
or after July 1, 2020.

(3) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.

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

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