



achieve the level of agricultural pollution reduction established by the Department of Environmental Protection. This is a voluntary program and agricultural producers, wishing to comply with the BMPs or other measures implemented by the department, must provide necessary records relating to production methods, costs of production, and financial information. Disclosure of these records can negatively impact the business interests of the agricultural producers who supply the information, thus acting as a disincentive to participate.

### III. Effect of Proposed Changes:

**Section 1.** Amends s. 403.067, F.S., to provide an exemption from public records laws for agricultural records provided to the Department of Agriculture and Consumer Services in connection with compliance with best management practices relating to the implementation of total maximum daily loads requirements. Provides for repeal on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

**Section 2.** Provides that the exemption from public records requirements is a public necessity and that it would be an invasion of the right of privacy of the person reporting such information.

**Section 3.** Provides that this act shall take effect upon becoming a law.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Economic Impact and Fiscal Note:

#### A. Tax/Fee Issues:

None.

#### B. Private Sector Impact:

This bill would benefit agricultural producers who might be hesitant to disclose records that might give competitors access to information that could provide an unfair economic advantage.

#### C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Agriculture and Consumer Services:

Allows the Department of Environmental Protection and the water management districts to have access to landowner agricultural records as long as they are kept confidential.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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