# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL:	SB 1380			
SPONSOR:	Senator Laurent			
SUBJECT:	Public Records/Agricultural Records			
DATE:	March 21, 2001	REVISED:	04/10/01	
	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Akhavein		Poole	AG	Fav/1 amendment
2.			AGG	
3.			AP	
4.			RC	
5.				
6.				

#### I. Summary:

This bill provides an exemption from public records requirements for certain agricultural records that are reported to the Department of Agriculture and Consumer Services. Disclosure of processes or methods of production, costs of production, profits, or other financial information in connection with compliance with best management practices relating to the implementation of total maximum daily loads requirements could give competitors an unfair economic advantage.

This public records exemption will be repealed on October 2, 2006, under the Open Government Sunset Review Act of 1995, unless the Legislature reviews and reenacts the exemption. A statement of public necessity is included in the bill.

This bill amends section 403.067, Florida Statutes.

#### II. Present Situation:

The 1999 Legislature enacted s. 403.067, F.S., to establish total maximum daily loads (TMDLs) for pollutants of impaired water bodies as required by the federal Clean Water Act. The Legislature found that, while point and nonpoint sources of pollution were being managed through numerous programs, better coordination among those efforts and additional management measures were needed in order to achieve improvements in water quality and restoration of impaired water bodies. The scientifically based TMDLs program is necessary to fairly and equitably allocate pollution loads to both point and nonpoint sources of pollution for a given water body or water body segment.

The Department of Agriculture and Consumer Services (department) was given the responsibility of adopting best management practices (BMPs) or other suitable measures to

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.

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