

By Senator Laurent

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A bill to be entitled
An act relating to public records; amending s.
403.067, F.S.; providing exemptions from public
records requirements for individual
agricultural records that are reported to the
Department of Agriculture and Consumer
Services; providing for future review and
repeal; providing findings of public necessity;
providing an effective date.

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

Section 1. Paragraph (d) of subsection (7) of section
403.067, Florida Statutes, is amended to read:

403.067 Establishment and implementation of total
maximum daily loads.--

(7) IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.--

(d) The Department of Agriculture and Consumer
Services may develop and adopt by rule pursuant to ss.
120.536(1) and 120.54 suitable interim measures, best
management practices, or other measures necessary to achieve
the level of pollution reduction established by the department
for agricultural pollutant sources in allocations developed
pursuant to paragraph (6)(b). These practices and measures may
be implemented by those parties responsible for agricultural
pollutant sources and the department, the water management
districts, and the Department of Agriculture and Consumer
Services shall assist with implementation. Where interim
measures, best management practices, or other measures are
adopted by rule, the effectiveness of such practices in
achieving the levels of pollution reduction established in

1 allocations developed by the department pursuant to paragraph
2 (6)(b) shall be verified by the department. Implementation,
3 in accordance with applicable rules, of practices that have
4 been verified by the department to be effective at
5 representative sites shall provide a presumption of compliance
6 with state water quality standards and release from the
7 provisions of s. 376.307(5) for those pollutants addressed by
8 the practices, and the department is not authorized to
9 institute proceedings against the owner of the source of
10 pollution to recover costs or damages associated with the
11 contamination of surface or ground water caused by those
12 pollutants. In the process of developing and adopting rules
13 for interim measures, best management practices, or other
14 measures, the Department of Agriculture and Consumer Services
15 shall consult with the department, the Department of Health,
16 the water management districts, representatives from affected
17 farming groups, and environmental group representatives. Such
18 rules shall also incorporate provisions for a notice of intent
19 to implement the practices and a system to assure the
20 implementation of the practices, including recordkeeping
21 requirements. Where water quality problems are detected
22 despite the appropriate implementation, operation, and
23 maintenance of best management practices and other measures
24 according to rules adopted under this paragraph, the
25 Department of Agriculture and Consumer Services shall
26 institute a reevaluation of the best management practice or
27 other measure. Individual agricultural records relating to
28 processes or methods of production or relating to costs of
29 production, profits, or other financial information which are
30 otherwise not public records and which are reported to the
31 Department of Agriculture and Consumer Services pursuant to

1 this paragraph or any rule adopted pursuant to this paragraph
2 are confidential and exempt from the provisions of s.
3 119.07(1) and s. 24(a), Art. I of the State Constitution. This
4 is subject to the Open Government Sunset Review Act of 1995 in
5 accordance with s. 119.15 and shall stand repealed October 2,
6 2006, unless reviewed and saved from repeal through
7 reenactment by the Legislature.

8 Section 2. The Legislature finds that the exemption
9 from public records requirements provided in section
10 403.067(7)(d), Florida Statutes, is a public necessity and
11 that it would be an invasion of the right of privacy of the
12 person reporting such information.

13 Section 3. This act shall take effect upon becoming a
14 law.

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17 SENATE SUMMARY

18 Provides an exemption from public records requirements
19 for individual agricultural records that are reported to
20 the Department of Agriculture and Consumer Services;
Provides for future review and repeal. Provides a finding
of public necessity.

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