

STORAGE NAME: s1114s2z.ag
DATE: June 17, 2000

****AS PASSED BY THE LEGISLATURE****
CHAPTER #: 2000 -308, Laws of Florida

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
AGRICULTURE
FINAL ANALYSIS**

BILL #: CS/CS/SB 1114

RELATING TO: Protection of Agriculture and Horticulture

SPONSOR(S): Fiscal Policy Committee, Agriculture and Consumer Services Committee and Senator Thomas

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) SENATE AGRICULTURE AND CONSUMER SERVICES YEAS 6 NAYS 0
- (2) SENATE FISCAL POLICY YEAS 6 NAYS 0
- (3)
- (4)

I. SUMMARY:

This bill addresses a variety of issues relating to the powers and duties of the Department of Agriculture and Consumer Services (department).

Citrus canker: The department's authority to implement regulatory activities necessary for citrus canker eradication is clarified and strengthened. Included are development of a mandatory decontamination program of both production and nonproduction personnel, equipment and vehicles to prevent and limit spread of the disease; liability waiver for costs or damages associated with soil or water contamination; enhanced requirements for disclosure of receipt or possession of any noxious weed, plant, plant product or regulated item infested or infected with any plant pest declared to be a threat to the state's agricultural or horticultural industry; a requirement for county sheriffs, at the department's request, to provide assistance to personnel in accessing private property for canker eradication program purposes; allowing water control districts to construct and operate agricultural pest prevention wash-down facilities; and directing that, where citrus trees are to be cut, posting of an order on the property meets statutory noticing requirements. **Forestry: Acquisition of state lands** -- Existing law is clarified to reflect an Attorney General opinion stating that current statute does not allow for the Board of Trustees (BOT) of the Internal Improvement Trust Fund to convey property to the department. **Wildfire control** -- The department may not issue warning citations when an authorized fire escapes due to unpredictable atmospheric conditions; penalties are provided for the "reckless" burning of lands; and specific names of forestry fire towers and work centers are deleted to allow the department to relocate or dispose of any tower or center in the state. **Pest control:** Regulation of pesticides is expanded to include all subterranean termite control products, not just soil treatments; three years' pest control experience for the United States Department of Defense is allowed to satisfy minimum requirements for pest control licensure by the department; and the department may review and evaluate a registered pesticide if newly available data indicates unreasonable adverse effects on public health or the environment. **Standards:** Record keeping processes for bottled water, vended water, and packaged ice are consolidated; the department is authorized to adopt a rule allowing companies meeting appropriate registration criteria to place newly installed scales and measuring devices into commercial use before the devices are inspected by the department. **Motor Fuel Marketing Practices Act:** Enforcement responsibilities for this act are transferred to the department from the Department of Legal Affairs. **Amusement rides:** Any amusement ride operating at a public event must be inspected; an inconsistency in current law is corrected regarding when an amusement ride inspection must take place once the affidavit has been filed. **Agricultural Economic Development:** A disaster loan program is established to provide timely capital loans to agricultural producers not meeting eligibility requirements of other state and federal disaster assistance programs or to supplement payment from those programs. **Other:** The department may purchase additional rations, under emergency conditions, for employees engaged in emergency response activities; proceeds from the sale of specific state-owned tangible personal property may be deposited into the employees' benefit fund; the department may negotiate agreements with landowners for water supply in rural areas; membership requirements of the Florida Agriculture Center and Horse Park Authority are revised; horse tripping is prohibited; the department is required to establish an equestrian educational sports program at an accredited 4-year state university; various definitions pertaining to agriculture are revised; obsolete language relating to the state's meat inspection program is repealed; the "**Florida Right to Farm Act**" is amended to prohibit local government interference with land classified as agricultural and subject to regulation by a state agency or water management district; and counties and municipalities are authorized to enact ordinances regarding noise from certain domesticated animals.

Please see sections II. C. and/or D. for more detail.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Citrus canker: In Florida, citrus is an 8 billion dollar industry, providing nearly 100,000 jobs and producing 79 percent of the nation's citrus.

Citrus canker is a highly contagious bacterial disease which infects citrus plants causing spots or blemish on leaves and fruit, and resulting in fruit dropping prematurely. Due to the disease's devastating nature, the United States Department of Agriculture (USDA) has specific protocols, and eradication programs are joint efforts between the USDA and the Florida Department of Agriculture and Consumer Services (department). Since there is no known cure for any strain of citrus canker, infected trees are cut, or pushed in a grove situation, and burned.

In November, 1995, when citrus canker was discovered on residential properties in Broward, Dade, and Manatee counties, emergency eradication procedures were initiated by the department. Currently, public announcements are made, informing residents of scheduled canker surveys in their areas. Upon determination by a plant pathologist that a tree is infected, the owner is issued an "immediate final order" to explain the tree removal process and the owner's appeal rights. Infected trees are cut, chipped at the site, and hauled away to be burned. Residents losing citrus trees due to the canker eradication program are eligible for a \$100 voucher (one per property) to buy non-citrus replacement trees or shrubs as canopy or shade replacement.

Citrus canker may be spread by wind-driven rain, birds and other animals, movement of contaminated trees or fruit from an infested area, and by contaminated equipment and clothing. Wind and rain from recent tropical storms, as well as movement of contaminated equipment and plant material has continued the spread of the disease. Due to this movement, the department has initiated an accelerated eradication program with a goal of completing the program within 12 months. The accelerated program includes increased appropriations (both state and federal), establishing a command center in Broward County, creating compliance agreements with the citrus industry to ensure that all equipment and workers are properly decontaminated and creation of host-free buffer areas.

Existing eradication policy requires burning infected trees and all other citrus trees within a 125-foot radius. Scientific evidence, however, indicates that 95 percent of citrus trees which become infected occur within 1,900 feet of infected trees.

Agricultural lands: Section 193.461, F.S., provides that each county's property appraiser shall, for assessment purposes on an annual basis, classify all lands within a county as agricultural or nonagricultural. There is no provision for agricultural lands left fallow or idle due to a mandated eradication or quarantine program.

Forestry: Currently, the statutes list specific forestry fire towers and work centers whose relocation, if necessary, is funded from the Relocation and Construction Trust Fund. Also, the statutes imply the Board of Trustees of the Internal Improvement Trust Fund is authorized to convey property to the Department of Agriculture and Consumer Services (department), although it is not specifically stated.

In addition, the department is now allowed to issue a citation of warning if an authorized fire escapes because of unpredicted atmospheric conditions. Also, existing law provides penalties for the "careless" burning of land. And lastly, the current definition of "wild lands" does not include a reference to pasture.

Agricultural Environmental Services: Existing law regulates preconstruction soil treatment of subterranean termites. Since this law was enacted, a number of new products, not applied to the soil, have been developed and marketed for preconstruction treatment of subterranean termites.

Food Safety: Existing law requires food establishments to keep separate records for bottled water, vended water, and packaged ice. While the state's meat inspection program was eliminated in 1998, the statutory language has never been repealed nor removed. The United States Department of Agriculture provides meat inspection services in Florida.

Standards: The department currently has a voluntary registration program in rule, whereby upon meeting registration criteria, a company is authorized to place newly installed scales or measuring devices into commercial service prior to being inspected by the department.

Florida Agriculture Center and Horse Park Authority: Currently, the Florida Agriculture Center and Horse Park Authority (authority) is composed of 23 members: one citizen at large, who represents the views of the general public toward agriculture and equine activities in the state; one representative of the department; one representative from Enterprise Florida, Inc.; one representative from the Department of Environmental Protections' Office of Greenways and Trails; one member of the Ocala/Marion County Chamber of Commerce; one public/private partnership expert; one member of a private environmental organization; one fruit and vegetable grower; one citrus grower; one commercial feed producer; one livestock/cattle breeder; one quarter horse breeder; one thoroughbred horse breeder; one standardbred horse breeder; one Arabian horse breeder; one color breeds horse breeder; one licensed veterinarian; one Paso Fino horse breeder; one ornamental or nursery stock grower; one representative from the horse show industry; one representative from the horse sport industry; one representative from the horse trail riders industry; and, one representative from the Board of County Commissioners of Marion County.

With the exception of department employees and the citizen at large, each member is selected from two or three nominees submitted by recognized statewide organizations representing the various interests and trades composing the membership of the authority.

Amusement Rides: Existing law requires the department to inspect and permit an amusement ride within 60 days of the date the affidavit was executed. Also, amusement rides operating at a public event do not need an inspection certificate if there are no more

than three amusement rides at the event, and the capacity of each of the rides does not exceed eight persons.

Agricultural Economic Development Program: Presently, there is no state agricultural loan program available in Florida. According to the United States Department of Agriculture's National Commission on Small Farms, there are approximately 30 states that have some type of state agricultural loan program. The federal government has three agricultural loan programs available to Florida farmers:

- United States Department of Agriculture's Farm Service Agency;
- Farm Credit System; and,
- Rural Business-Cooperative Service.

Farmers meeting specific criteria may apply for assistance, as provided in the Federal Agriculture Improvement and Reform Act of 1996. However, these loan programs are not designed to quickly assist seasonal producers who have been affected by a natural or socio-economic disaster. The federal application process sometimes takes too long for the producer to qualify before losing more money after the opportunity to plant another seasonal crop has been lost. In addition, the producer may make too much money to qualify for a federal loan.

Motor Fuel Marketing Practices Act: The Motor Fuel Marketing Practices Act (Ch. 85-74, L.O.F.) was passed by the 1985 Legislature to repeal and replace the retail divorcement law (Ch. 74-387, L.O.F.). The retail divorcement law required vertically integrated refiners to divest of the majority of their retail operations in Florida.

The Motor Fuel Marketing Practices Act (the Act) currently allows vertically integrated refiners to operate in Florida but prohibits the wholesale and retail sale of motor fuels, by refiners, wholesalers and retailers, below statutorily defined costs. The Act prohibits predatory pricing, discriminatory practices and allocations, unfair practices, and certain wholesale rebates.

Enforcement of the Act is currently divided between the Department of Agriculture and Consumer Services (DACS) and the Attorney General. The DACS, Division of Standards, accepts and investigates complaints while the Attorney General prosecutes violations. The General Inspection Trust Fund and the Department of Legal Affairs Trust Fund share equally in recovered civil penalties. Also, the DACS is required to submit annual reports of complaints to the Speaker of the House and President of the Senate.

Other: Presently, the meal per diem rate for state employees is \$21. However, when department employees are engaged in emergency response activities (such as firefighting) requiring arduous physical activity for extended periods of time, additional rations of food and drink are needed.

Presently, when the department disposes of state-owned tangible property, proceeds are deposited into one of the department's operating funds.

C. EFFECT OF PROPOSED CHANGES:

Citrus Canker: Chapter 581, F.S., is amended clarifying the Department of Agriculture and Consumer Services' (department) authority to implement regulatory activities necessary for eradication of citrus canker.

Existing law requires persons receiving or possessing noxious weeds, plants, plant products or regulated items infested or infected with any plant pest declared to threaten the state's agricultural or horticultural industry, to report such receipt or possession to the department. Failure to disclose is unlawful. Specific definitions for the terms "infested," "infected," and "exposed to infection" are added to clarify categories of citrus trees subject to removal during the canker eradication program.

To prevent and limit the spread of citrus canker disease, the department is required to develop a statewide decontamination program. To aid in prevention of soil and water contamination, the bill requires decontamination rules to be developed in consultation with the Department of Environmental Protection. A waiver of liability is available for costs or damages associated with soil and water contamination resulting from citrus canker decontamination activities.

Upon request of the department, county sheriffs are required to provide assistance to personnel in accessing private property for canker eradication program purposes. During recent tree survey and removal activities, personnel have encountered situations where property owners and dogs inhibit access to properties. Provision is also made for the department to reimburse sheriffs for reasonable costs.

The bill directs that, where citrus trees are to be cut, posting of an order on the property meets the notice requirements of s. 120.569(1), F.S. This practice reduces the time between notification that an infected or exposed tree is found and the time a cutting crew enters the property, thereby expediting the removal process.

Finally, the bill allows water control districts to construct and operate agricultural pest prevention wash-down facilities. Also relating to water control districts, the bills clarifies that voting by landowners at district landowner meetings is authorized based upon assessable acreage, excluding government-owned land. As relates to revision of water control plans, "minor insubstantial amendment" is defined.

Forestry: The specific names of forestry fire towers and work centers are deleted to allow the department to relocate or dispose of the towers/centers, as needed. The authority of the Board of Trustees of the Internal Improvement Trust Fund, as it relates to conveying state lands to the Department of Agriculture and Consumer Services (department), is clarified to allow the Board to deed property to the department. The bill also clarifies that the exemptions do not apply to property purchased with P-2000 or CARL funds.

The department will no longer have authority to issue a warning citation when an authorized fire escapes due to unpredicted atmospheric conditions. Also, penalties are now provided for the "reckless" burning of land, rather than the "careless" burning of land. The definition of "wild lands" is amended to include pasture.

Agricultural Environmental Services: The department's regulation of pesticides is expanded to cover all products used for treatment and/or prevention of subterranean termites. The bill allows three years of experience performing pest control for the United States Department of Defense to satisfy the minimum requirement for acquiring a pest control operator's certificate from the department.

Food Safety: The bill consolidates the record keeping process for bottled water, vended water, and packaged ice. The bill also repeals the language relating to the state's meat inspection program, which was eliminated in 1998. Two sections of the meat inspection

language relating to the purchase of fresh beef or pork by the state or any municipality and meat or meat products labeled as "Genuine Florida" are transferred to Chapter 287, F.S.

Standards: The bill authorizes the department to adopt a rule allowing companies, who meet appropriate registration criteria, to place newly installed scales and measuring devices into commercial use prior to being inspected by the department.

Florida Agriculture Center and Horse Park Authority: The bill changes the membership of the Florida Agriculture Center and Horse Park Authority (authority) from 23 to 21: three citizens-at-large, who shall represent the views of the general public toward agriculture and equine activities in the state; one representative from the department; one representative from Enterprise Florida, Inc.; one representative from the Department of Environmental Protections' Office of Greenways and Trails; one member of the Ocala/Marion County Chamber of Commerce; two representatives of the tourism/hospitality industry; three representatives of the commercial agriculture industry; three representatives from recognized horse breed associations; one representative of the veterinary industry; three representatives from the competitive equine industry; one representative from the horse pleasure and trail riding industry; and, one representative recommended by the Board of County Commissioners of Marion County.

Initially, the Commissioner of Agriculture and Consumer Services shall appoint 11 members for 4-year terms and 10 members for 2-year terms. Current members will serve until successors are appointed.

Amusement Rides: The bill requires the department to inspect and permit an amusement ride within 60 days of the date of filing the application with the department. The bill also requires all amusement rides operating at public events to be inspected.

Agricultural Economic Development Program: The bill establishes a disaster loan program through the Agricultural Economic Development Program (program). The program will provide loans to farmers who have experienced crop losses due to natural disasters or socio-economic events or conditions. The loans may be used to:

- restore or replace essential physical property, such as animals, fences, equipment, structural production facilities; or orchard trees;
- pay all or part of production costs associated with the disaster year; or
- pay essential family living expenses and restructure farm debts.

Funds may be issued as direct loans or as loan guarantees for up to 90 percent of the total loan, in amounts not less than \$30,000 nor more than \$250,000. Applicants must provide at least 10 percent equity.

A representative of Enterprise Florida, Inc. replaces the representative from the Florida Rural Economic Development Committee on the Agricultural Economic Development Project Review Committee.

Motor Fuel Marketing Practices Act: The department will provide both investigation and prosecution under the Act. Further, the annual report required pursuant to s. 526.3135, F.S., will now expressly be the responsibility of the Division of Standards.

Other: The department is authorized, in an emergency situation, to purchase additional rations, not to exceed \$50 per day per employee, for employees engaged in emergency response activities.

Also, the department is authorized to deposit money from the disposition of specific state-owned tangible personal property into the employees' benefit fund. Previously, the fund was supported by recycled proceeds as referenced in s. 403.7145(2), F.S. However, the Department of Management Services has discontinued this transfer due to the cost of production of the recycling program. The employees' benefit fund is used for flowers for employees who are hospitalized, flowers for funerals of employees/immediate family members, to enhance break areas, mementos for guest speakers or instructors, and various other internal uses.

The "Florida Right to Farm Act" is amended to prohibit regulation by local government on land classified as agricultural where activities are already regulated by another state agency or water management district.

A waiver of liability is provided for persons who apply pesticides in accordance with state and federal law, applicable registered labels, and rules of the department.

The department is instructed to establish an equestrian educational sports program with one or more accredited four-year state universities. And lastly, the department is authorized to negotiate agreements with landowners for water supply in rural areas.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends s. 581.091, F.S., clarifying that a person must notify the department if they have knowingly received or are in possession of a noxious weed or any plant, plant product, or regulated article infected or infested with any plant pest declared to be a threat to the state's agricultural and horticultural interests.

Section 2: Amends s. 581.184, F.S., to:

- Define "infected or infested" to mean citrus trees harboring the citrus canker bacteria and exhibiting visible symptoms of the disease; define "exposed to infection" as citrus trees harboring the citrus canker bacteria due to their proximity to infected citrus trees. (Such trees do not yet exhibit visible symptoms of the disease but will develop symptoms over time.)
- Require the department to develop a statewide program of decontamination to prevent and limit the spread of citrus canker disease; require the program to address the application of decontamination procedures and practices; authorize development of compliance and other agreements to aid in carrying out a decontamination program; require decontamination rules be developed in consultation with the Department of Environmental Protection; to provide a waiver of liability for costs or damages associated with soil and water contamination resulting from citrus canker decontamination activities.
- Require county sheriffs, upon request of the department, to provide assistance in accessing private property for the purpose of enforcing citrus canker eradication efforts, maintaining public order during the eradication process, and protecting the safety of department employees, representatives, and agents charged with implementing the eradication program.
- Require that posting of an order on property where citrus trees are to be cut meets the notice requirement of s. 120.569(1), F.S.

Section 3. Amends s. 193.461, F.S., allowing lands classified as agricultural for assessment purposes to retain the agricultural assessment if taken out of production by a state or federal eradication or quarantine program.

Section 4. Amends s. 298.005(2), F.S., clarifying the definition of “owner” as used in chapter 298.

Section 5. Amends s. 298.11(2), F.S., specifying that acreage referred to is “assessable” acreage.

Section 6. Amends s. 298.12(1), F.S., providing that owners with unpaid assessments for the previous year are not entitled to vote in election of supervisors.

Section 7. Amends s. 298.22, F.S., allowing construction of washdown facilities for controlling and preventing the spread or introduction of agricultural pests or diseases.

Section 8. Amends s. 298.225(8), F.S., defining “minor insubstantial amendments” regarding water control plans.

Section 9: Amends s. 212.02, F.S.; providing a definition for “agricultural production”.

Section 10: Amends s. 253.025, F.S.; clarifying the authority of the Board of Trustees of the Internal Improvement Trust Fund to convey property to the Department of Agriculture and Consumer Services (department); and, allowing the department to relocate/dispose of forestry fire towers and work centers, as needed.

Section 11: Amends s. 482.051, F.S.; expanding the department’s regulation of pesticides to cover all products used for subterranean termites.

Section 12: Amends s. 482.132, F.S.; allowing three years experience performing pest control for the United States Department of Defense (DOD) to satisfy the minimum requirements for licensure by the department; and, requiring application for certification to be submitted to the department within twelve months after the date of termination from the DOD.

Section 13. Amends s. 487.041, F.S., allowing the department to review and evaluate a registered pesticide if new information becomes available regarding unreasonable adverse effects on the public or environment.

Section 14: Amends s. 487.081, F.S.; waiving liability for contamination by persons using pesticides in accordance with state and federal law, applicable registered labels, and rules of the department; authorizing the department to adopt rules regarding record keeping; and, providing the provisions of subsection (6) be retroactive.

Section 15: Amends s. 500.12, F.S.; clarifying the rule-making authority of the department as it relates to setting fees for operating a bottled water/package ice plant.

Section 16: Amends s. 500.459, F.S.; clarifying the rule-making authority of the department as it relates to setting fees for permits for operating water vending machines; and, deleting a requirement for usage of fees collected from permits for water vending machines.

Section 17: Amends s. 526.311(2) and (3), F.S., shifting responsibility for prosecuting violations of the Motor Fuel Marketing Practices Act from the Department of Legal Affairs to the Department of Agriculture and Consumer Services, revising disposition of civil penalties.

Section 18: Amends s. 526.312(2), F.S., deleting a reference to the Department of Legal Affairs.

Section 19: Amends s. 526.313, F.S., deleting a reference to the Department of Legal Affairs.

Section 20: Amends s. 526.3135, F.S., requiring the Division of Standards to perform mandatory reporting.

Section 21: Provides an appropriation of \$100,000 to the department to implement the transfer of the Motor Fuel Marketing Practices Act enforcement activities.

Section 22: Amends s. 531.41, F.S.; authorizing the department to adopt a rule allowing companies, meeting appropriate registration criteria, to place newly installed scales and measuring devices into commercial use prior to the devices being inspected by the department.

Section 23: Amends s. 570.07, F.S.; authorizing the department to deposit proceeds from the disposition of specific state-owned tangible personal property into the employees' benefit fund; and, authorizing the department to purchase additional rations, under emergency conditions, for personnel engaged in emergency response activities.

Section 24: Amends s. 570.242, F.S.; amending the definition of an "agriculturally depressed area" to include an economy adversely affected or depressed due a natural disaster or a socio-economic condition or event.

Section 25: Amends s. 570.248, F.S.; revising the membership of the Agricultural Economic Development Project Review committee.

Section 26: Creates s. 570.249, F.S.; establishing a disaster loan program within the Agricultural Economic Development Program (program); establishing use of loan funds; identifying eligible crops for the program; providing farming information necessary for application to the program; establishing a loan application; providing loan security requirements; and, providing loan repayment criteria.

Section 27: Creates s. 570.92, F.S.; establishing an equestrian educational sports program with one or more accredited 4-year state universities.

Section 28: Amends s. 570.952, F.S.; revising membership and terms of members of the Florida Agriculture Center and Horse Park Authority.

Section 29: Creates s. 287.0822, F.S.; transferring and renumbering s. 585.89, F.S., relating to purchase of fresh beef or pork by the state or any municipality.

Section 30: Creates s. 287.0821, F.S.; renumbering s. 585.92, F.S., relating to meat products labeled as "Genuine Florida" or "All American".

Section 31: Amends s. 590.015, F.S.; revising the definition of “wild land” to include pasture.

Section 32: Amends s. 590.14, F.S.; amending the authority of the department in regards to issuing warning citations when an authorized fire escapes due to unpredicted atmospheric conditions.

Section 33: Amends s. 590.28, F.S.; providing penalties for the “reckless” burning of lands.

Section 34: Amends s. 616.242, F.S.; requiring the department to inspect an amusement ride within 60 days after the application has been filed; and, requiring any amusement ride operating at a public event to be inspected.

Section 35: Amends s. 828.12, F.S.; prohibiting horse tripping, with some exceptions.

Section 36: Amends s. 828.27, F.S.; authorizing local ordinances regarding noise from domesticated animals; providing exemptions.

Section 37: Allows the department to negotiate agreements with landowners for water supply in rural areas.

Section 38: Repeals ss. 205.1951, 585.70, 585.71, 585.715, 585.72, 585.73, 585.74, 585.75, 585.76, 585.77, 585.78, 585.79, 585.80, 585.81, 585.82, 585.83, 585.84, 585.903, 585.904, 585.91, 585.93, and 585.96, Florida Statutes.

Section 39: Amends s. 823.14, F.S.; prohibiting regulation by local government on land classified as agricultural where activities are already regulated by another state agency or water management district.

Section 40: Providing the act shall take effect upon becoming law.

III. **FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

A. **FISCAL IMPACT ON STATE GOVERNMENT:**

Department of Agriculture and Consumer Services

	Amount Year 1 <u>(FY 00-01)</u>	Amount Year 2 <u>(FY 01-02)</u>	Amount Year 3 <u>(FY 02-03)</u>
1. <u>Revenues:</u>			
Amusement Ride Inspections	<u>\$4,660</u>	<u>\$5,126</u>	<u>\$5,639</u>
Total Revenues (General Inspection Trust Fund)	<u>\$4,660</u>	<u>\$5,126</u>	<u>\$5,639</u>

2. Expenditures:

Recurring:

Non-Operating Disbursements:

Service charge to General Revenue	<u>\$340</u>	<u>\$374</u>	<u>\$ 411</u>
-----------------------------------	--------------	--------------	---------------

Total Expenditures (General Inspection Trust Fund)	<u>\$340</u>	<u>\$374</u>	<u>\$411</u>
---	--------------	--------------	--------------

Motor Fuel Mktg. Practices:

One-time expense	\$ 21,183		
Recurring expense	\$187,633	\$192,199	

Total	<u>\$208,816</u>	<u>\$192,199</u>	
-------	------------------	------------------	--

Citrus Canker -- Non-Recurring

General Revenue	\$354,340		
Federal Contracts & Grants TF	\$354,340		

Citrus Canker -- Recurring

General Revenue	\$2,305,346	\$2,305,346	\$2,305,346
Federal Contracts & Grants TF	2,305,345	2,305,345	2,305,345

Citrus Canker Total Expenditures	<u>\$5,319,371</u>	<u>\$4,610,691</u>	<u>\$4,610,691</u>
----------------------------------	--------------------	--------------------	--------------------

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Amusement rides: The only direct cost to industry is the actual cost of the amusement ride inspections. The change will require approximately 100 additional amusement ride inspections each year:

60 kiddie ride inspections @ \$31	\$1,860
40 adult ride inspection @ \$70	<u>\$2,800</u>
Total first year cost to industry	<u>\$4,660</u>

Costs to the industry during each succeeding fiscal year should increase somewhat as a result of an increase in the number of inspections performed, but increases in total cost to the industry should not exceed 10% per year.

Agricultural land assessment: Under existing law, agricultural lands are assessed for property taxes using a five year average of the amount of income produced by the agricultural product. Section 3 of the bill provides that while agricultural lands are: 1) under a state or federal eradication or quarantine program, 2) are not in agricultural use, and 3) are not being diverted from an agricultural use, they be assessed based on a one year assessment methodology. The amount of the assessment is limited to \$50 per acre. This will likely mean a lower assessment than if the lands were assessed using the current methodology of a five year average of agricultural income. This would have a negative impact on ad valorem revenues for local governments.

D. FISCAL COMMENTS:

The fiscal impact for the revision to s. 570.07(35), F.S., to exceed the per diem rate and raise it to \$50, is difficult to predict and will vary greatly from year to year depending on the number and scope of the emergency operations.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenue in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce any state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

In s. 531.41, F.S., the department is given rule-making authority to allow companies, who meet appropriate registration criteria, to place newly installed scales and measuring devices into commercial use prior to inspection by the department.

C. OTHER COMMENTS:

Representatives from the Florida League of Cities, the Association of Counties, and the American Planning Association expressed concern regarding the language being added to s. 823.14, F.S. (the Florida Right to Farm Act). They felt the language was so broad as to tie the hands of local governments in resolving conflicts. Representatives from the Florida

STORAGE NAME: s1114s2z.ag

DATE: June 17, 2000

PAGE 13

Farm Bureau Federation and the Florida Fruit and Vegetable Growers Association worked with the local government representatives to reach consensus language.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON AGRICULTURE:

Prepared by:

Staff Director:

Debbi Kaiser

Susan D. Reese

AS REVISED BY THE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS:

Prepared by:

Staff Director:

Marsha M. Belcher

Cynthia P. Kelly

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON AGRICULTURE:

Prepared by:

Staff Director:

Susan D. Reese

Susan D. Reese