

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/CS/SB 1114

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

SUBJECT: Protection of Agriculture and Horticulture

DATE: March 29, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Poole</u>	<u>AG</u>	<u>Favorable/CS</u>
2.	<u>Hendon</u>	<u>Hadi</u>	<u>FP</u>	<u>Favorable/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill addresses the state’s ongoing citrus canker eradication efforts. Its purpose is to strengthen the Department of Agriculture and Consumer Services’ (department) existing regulatory authority for eradication and to expand its authority to develop a statewide program of decontamination to prevent and limit the spread of the disease. The department’s canker eradication program for commercial plantings must make use of risk assessment and be developed in a rule.

The department has recently adopted a policy for eradication of citrus canker to require the burning infected trees and all other citrus trees within a 1,900 foot radius. Recent scientific studies have shown that citrus trees as far as 1,900 feet from infected citrus trees will develop the disease from wind-blown rain or by other means. This bill defines the term “exposed to infection” to specify a 1,900-foot radius in which trees may be removed. It authorizes the department to develop, by rule, a statewide program of decontamination, request the assistance of sheriffs to access private property, and require notification when a person has received or is in possession of a noxious weed or any plant, plant product, or regulated article infected or infested with any plant pest which has been declared to be a threat to the state’s agricultural and horticultural interests.

The bill clarifies that only landowners that have paid their Water Control District assessments may vote for the district supervisor. The bill authorizes the Water Control Districts to construct and operate facilities to prevent canker and other agricultural diseases and pests. Finally, the bill defines “minor and insubstantial” amendments to a water control plan as those improvements that are consistent with the plan and do not require an increased assessment.

This bill substantially amends sections 193.461, 298.005, 298.11, 298.12, 298.22, 298.225, 581.091 and 581.184, Florida Statutes.

II. Present Situation:

In a recent press release, the Commissioner of Agriculture stated that, "The economy of the State of Florida is in jeopardy if we allow this devastating disease to take over. Every citizen in this state benefits from property and sales taxes and other revenue generated by the citrus industry. Florida is identified worldwide for its citrus and fresh orange juice." Citrus is an eight billion dollar industry, providing nearly 100,000 jobs for Floridians.

The exact date of the introduction of citrus trees into Florida is not known, but one of the oldest cultivated groves planted in Florida is thought to have been the Don Phillippe grove in Pinellas County, planted sometime between 1809 and 1820. Nearly 1.5 million boxes were shipped in 1887-88, the first season on record. Citrus production in Florida had reached an all time high of more than 5 million boxes when the Great Freeze of 1894-1895 almost totally wiped out the citrus industry. It was not until 1909-1910 that this level was reached again. In 1998-1999, Florida produced 242.9 million boxes representing 79 percent of the nations' citrus production.¹

Citrus canker, a highly contagious bacterial disease which infects citrus plants, including oranges, sour oranges, grapefruit, tangerines, lemons, and limes was found in commercial groves in 1984. Severe infections of citrus canker cause fruit to blemish and to drop prematurely from the tree, thereby reducing commercial production of citrus fruit. The state and the federal government conducted an extensive eradication program between 1985 and 1989, which continually evolved as new scientific developments became available.

Citrus canker was discovered on residential properties in Broward, Dade, and Manatee counties in November 1995, causing the Department of Agriculture and Consumer Services (department) to implement emergency procedures for citrus canker removal. The department began making public announcements to inform residents of scheduled surveys in their area. Inspectors mark suspect trees with white paint and later with a red "X" if a pathologist determines that the tree is infected. The owner is then given an "immediate final order," which explains the tree removal process and their appeal rights. Since there is no known cure for any strain of citrus canker, infected trees are cut, chipped at the site, and hauled away to be burned. Residents who lose citrus trees are eligible for a \$100 voucher to buy non-citrus replacement trees or shrubs.

Citrus canker has continued to infect trees in other South Florida counties because the bacteria is easily spread by wind-driven rain, birds and other animals, movement of contaminated trees from one location to another, and by contaminated equipment and clothes. The department is proposing to accelerate their fight to eradicate citrus canker in a one-year plan before it destroys Florida's commercial citrus industry. To prevent any further spread of the disease, the department proposes to accelerate the eradication effort through increased appropriations, establishing a command center in Broward County, creating a compliance agreement program with the citrus industry to ensure that all equipment and workers are properly decontaminated, and by developing a new policy for its current host-free buffer areas. The department's current policy for eradication requires burning infected trees and all other trees within a 1,900-foot radius. Scientific

¹Florida Agricultural Statistics Citrus Summary 1998-99

experiments have shown that normal rainstorms can spread canker more than 4,000 feet, but that 95 percent of the citrus trees that get the disease occur within 1,900 feet from the infected trees.

III. Effect of Proposed Changes:

Section 1. Amends s. 581.091, F.S., to clarify a provision that requires a person to notify the Department of Agriculture and Consumer Services (department) when they have received or are in possession of a noxious weed or any plant, plant product, or regulated article infected or infested with any plant pest which has been declared to be a threat to the state's agricultural and horticultural interests. Provides that it is unlawful to fail to disclose information regarding any infected or infested plant, plant product, regulated article, or noxious weed.

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. Defines "exposed to infection" to mean citrus trees harboring the citrus canker bacteria due to their proximity, within a 1,900-foot radius, to infected citrus trees, and which do not yet exhibit visible symptoms of the disease but which will develop symptoms over time, at which point such trees will have infected other citrus trees.

Requires the department to develop a rule and implement a risk based assessment program for canker eradication in commercial groves.

Authorizes the department to develop by rule, a statewide program of decontamination to prevent and limit the spread of citrus canker disease. Requires the program to address the application of decontamination procedures and practices. Authorizes the department to develop compliance and other agreements to aid in carrying out the purposes of this section. Requires county sheriffs, upon request of the department, to provide assistance in obtaining access to private property for the purpose of enforcing citrus canker eradication efforts. Requires the sheriff to maintain public order during the eradication process and to protect the safety of department employees, representatives, and agents charged with implementing and enforcing the provisions of this section. Authorizes the department to reimburse the sheriff for reasonable costs. Requires the order posted on property where citrus trees are to be cut to meet the notice requirement of s. 120.569(1), F.S.

Section 3. Amends s. 193.461, F.S., to allow landowners to retain their agricultural status for the purposes of property assessment while their land is under any agricultural eradication or quarantine program when the land is not in active agricultural production or being used for non-agricultural uses. Under such circumstances, the assessment will be based on a one year assessment methodology and may be assessed at a level of up to \$50 per acre.

Section 4. Amends s. 298.005, F.S., to revise the definition of "owner" to specify that the owner is subject to assessment for the Water Control District.

Section 5. Amends s. 298.11, F.S., to specify that each acre of assessable land shall represent one share and one vote in the Water Control District.

Section 6. Amends s. 298.12, F.S., to clarify that only landowners that have paid their Water Control District assessments may vote for the district supervisor.

Section 7. Amends s. 298.22, F.S., to authorize the Water Control Districts to construct and operate facilities to prevent canker and other agricultural diseases and pests.

Section 8. Amends s. 298.225, F.S., to define “minor and insubstantial” amendments to a water control plan as those improvements that are consistent with the plan and do not require an increased assessment.

Section 9. Provides that this act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

This bill requires county sheriffs to provide assistance in obtaining access to private property for citrus canker eradication efforts and protection of persons involved in such effort. The bill provides for reimbursement of reasonable costs incurred by the sheriff.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

See “Local Impact” in section C. below.

B. Private Sector Impact:

The department estimates, based upon input from the citrus industry, that the cost for decontamination industry-wide is \$33,566,487 annually. If citrus canker is not eradicated, the estimated loss to the citrus industry would be approximately \$500,000,000 annually.

C. Government Sector Impact:

State Impact:

FY 2000-01	FY 2001-02	FY 2002-03
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Non-Recurring Costs:

General Revenue	\$354,340	0	0
Federal Contracts and Grants Trust Fund	\$354,340	0	0

Recurring Costs:

General Revenue	\$2,305,346	\$2,305,346	\$2,305,346
Federal Contracts and Grants Trust Fund	\$2,305,345	\$2,305,345	\$2,305,345

Total Costs: \$5,319,371 \$4,610,691 \$4,610,691

Additional Note by Fiscal Policy:

The Senate Budget appropriates \$50,200,000 for citrus canker eradication. This appropriation should be sufficient for the department’s citrus canker eradication including the types of activities authorized in this bill.

Local Impact:

Under current 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. The magnitude of this impact cannot be determined at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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