

**STORAGE NAME:** h2209a.grr

**DATE:** April 13, 2000

**HOUSE OF REPRESENTATIVES  
AS REVISED BY THE COMMITTEE ON  
GOVERNMENTAL RULES & REGULATIONS  
ANALYSIS**

**BILL #:** HB 2209 (PCB AG 00-03)

**RELATING TO:** Protection of agriculture and horticulture

**SPONSOR(S):** Committee on Agriculture, Representative Putnam, and others

**TIED BILL(S):**

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

- (1) AGRICULTURE YEAS 8 NAYS 0
  - (2) GOVERNMENTAL RULES & REGULATIONS YEAS 7 NAYS 0
  - (3) GENERAL GOVERNMENT APPROPRIATIONS
  - (4)
  - (5)
- 

**I. SUMMARY:**

HB 2209 amends chapter 581, F.S., clarifying the Department of Agriculture and Consumer Services' (department) authority to implement regulatory activities necessary for citrus canker eradication.

Citrus canker is a highly contagious bacterial disease that damages fruit and weakens, eventually killing, citrus trees. Its presence causes quarantines to be imposed on shipments of fresh citrus fruit and movement of fruit or trees out of an infested area.

The bill clarifies that persons receiving or possessing 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, must report such receipt or possession to the department. Failure to disclose is unlawful. Definitions for the terms "infested," "infected," and "exposed to infection" are included. "Exposed to infection" specifies those citrus trees within a 1,900 foot radius around an infected or infested tree.

The department is required to develop a statewide decontamination program to prevent and limit the spread of citrus canker disease. Upon request of the department, county sheriffs are required to provide assistance to personnel in accessing private property for canker eradication program purposes. Provision is also made for the department to reimburse the sheriffs.

The bill allows water control districts (chapter 298, F.S.) to construct and operate agricultural pest prevention wash-down facilities.

Finally, the bill directs that, where citrus trees are to be cut, posting of an order on the property meets posting requirements.

To implement the provisions of this bill, the state's estimated share of expenses for FY 2001-2002 is \$2.6 million. Because the cost of using sheriffs' officers will be paid by the department, there is no fiscal impact to local government.

The act takes effect upon becoming a law. There is one amendment traveling with the bill.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |   |  |   |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/>            | No <input checked="" 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 type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" 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"/> |

Less Government

The department's authority to remove citrus trees exposed to citrus canker is broadened due to the increase of radius included in the definition of "exposed to infection." Previously, a 125 foot radius was used; now a 1,900 foot radius is used.

B. PRESENT SITUATION:

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 devastating nature of the disease, the United States Department of Agriculture (USDA) has specific protocols for dealing with the disease, 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 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 can 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 by 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.

**C. EFFECT OF PROPOSED CHANGES:**

HB 2209 amends chapter 581, F.S., clarifying the Department of Agriculture and Consumer Services' (department) authority to implement regulatory activities necessary for eradication of citrus canker, a highly contagious bacterial disease that damages fruit, weakens and eventually kills citrus trees.

Existing language 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 trees subject to removal.

To provide a measure of comfort to citrus growers concerned about the 1,900 foot cutting radius around infected trees, the department is required to develop and implement a risk assessment program for commercial plantings.

To prevent and limit the spread of citrus canker disease, the department is required to develop a statewide decontamination program. 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 sometimes dogs inhibit access to properties. Provision is also made for the department to reimburse the sheriffs for reasonable costs.

Finally, 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.

**D. SECTION-BY-SECTION ANALYSIS:**

Section 1: Amends s. 581.091, F.S., clarifying that a person must notify the department if 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 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, within a 1,900-foot radius, 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; requires the program to address the application of decontamination procedures and practices and authorizes the

development of compliance and other agreements to aid in carrying out a decontamination program.

- 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. The department is authorized to reimburse sheriffs for reasonable costs.
- 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.
- Require the department to, by rule, develop and implement a risk assessment program for commercial plantings.

Section 3. Amends s. 298.22, F.S., to allow water control districts to construct and operate wash-down facilities to control and prevent agricultural pests and diseases.

Section 4: Provides that the bill shall take effect upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. <u>Revenues:</u>	FY 2001-02	FY 2002-03	FY 2003-04
Non-recurring:			
Dept. of Agriculture & Consumer Services			
General Revenue	\$ 354,340		
Contracts & Grants TF	\$ 354,340	-0-	-0-
Recurring:			
Dept. of Agriculture & Consumer Services			
General Revenue	\$2,305,346	\$2,305,346	\$2,305,346
Contracts & Grants TF	<u>\$2,305,345</u>	<u>\$2,305,345</u>	<u>\$2,305,345</u>
Total Revenues:			
Non-recurring	\$ 708,680	-0-	-0-
Recurring	\$4,610,691	\$4,610,691	\$4,610,691
2. <u>Expenditures:</u>			
Non-recurring:			
Dept. of Agriculture & Consumer Services			
40 vehicles			
General Revenue	\$ 354,340	-0-	-0-
Contracts & Grants TF	\$ 354,340	-0-	-0-
	FY 2001-02	FY 2002-03	FY 2003-04

Recurring:			
Dept. of Agriculture & Consumer Services			
40 OPS Positions & Law Enforcement Reimbursement			
General Revenue	\$2,305,346	\$2,305,346	\$2,305,346
Contract & Grants TF	<u>\$2,305,345</u>	<u>\$2,305,345</u>	<u>\$2,305,345</u>
Total Expenditures:			
Non-recurring	\$ 708,680	-0-	-0-
Recurring	\$4,610,691	\$4,610,691	\$4,610,691

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

N/A

2. Expenditures:

None. County sheriffs' assistance costs will be paid by the department.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The department estimates an annual, industry-wide cost of \$33,566,487 for citrus canker decontamination. This figure is based on the cost of decontamination equipment at packing houses and processors and for personnel working in groves.

If citrus canker is not eradicated, estimated losses to the citrus industry are approximately \$500 million annually.

**D. FISCAL COMMENTS:**

To achieve full implementation of the bill's provisions, the department will need General Revenue funds (and spending authority) to match funds provided by the federal government through the Contracts and Grants Trust Fund. Operating costs include 40 OPS positions at \$842,600 and purchase of 40 vehicles at \$708,680 for monitoring and enforcement of decontamination requirements and for hiring county sheriffs to assist in access to property for inspection and tree removal. Law enforcement costs are estimated to be \$3,768,091 (90 officers @ \$300 per day).

**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:

The bill provides rule-making authority for the department to develop a statewide decontamination program to prevent and limit the spread of citrus canker. Items to be addressed by the program are specified.

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 12, 2000, the Committee on Governmental Rules & Regulations adopted the following amendment and reported the bill favorably, as amended:

**Amendment 1** - Clarified property ownership requirements for participation in district decision-making.

VII. SIGNATURES:

COMMITTEE ON AGRICULTURE:

Prepared by:

Susan D. Reese

Staff Director:

Susan D. Reese

AS REVISED BY THE COMMITTEE ON GOVERNMENTAL RULES & REGULATIONS:

Prepared by:

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