

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1013

Citrus Canker Eradication

SPONSOR(S): Plakon

TIED BILLS:

IDEN./SIM. BILLS: SB 1956

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	General Government Policy Council	16 Y, 0 N	Kaiser	Hamby
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

During the 2006 legislative session, CS/CS/SB 994 was enacted to dismantle the citrus canker eradication program codified in Florida statute. CS/CS/SB 994 also directed the department to implement a comprehensive citrus health response plan (CHRP) to minimize the impact of citrus pests and diseases to production and to allow Florida’s citrus to be marketed to other states and countries.

In addition, CS/CS/SB 994 stated that all claims for compensation under the Shade Dade or Shade Florida programs must be filed with the department no later than December 31, 2007. After that date, all unfiled claims will expire, and the compensation section of Florida law¹ will be repealed effective July 1, 2008.

The bill repeals section 581.1845, F.S., as well as references elsewhere in statute, effectively removing all mention of the citrus canker eradication program from Florida statute.

This legislation has no fiscal impact on state or local government. The effective date of this legislation is July 1, 2010.

¹ Section 581.1845, F.S.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Citrus canker is a bacterial disease of citrus that causes premature leaf and fruit drop. It is highly contagious and can be spread rapidly by wind-borne rain, non-decontaminated lawnmowers and other landscaping equipment, people carrying the infection on their hands, clothing or equipment, or by moving infected or exposed plants or plant parts. To date, there is no known cure for citrus canker.

Florida has been battling citrus canker since 1995, when an infestation occurred in an urban backyard in close proximity to the Miami International Airport. Unfortunately, the United States Department of Agriculture (USDA) and Florida Department of Agriculture and Consumer Services (department) were unable to contain the disease in the urban setting.

The citrus canker eradication program was stymied in November, 2000, by a Broward County Circuit Court order. Additional court orders in May, 2002, from the same judge continued to restrict eradication efforts. The judge declared unconstitutional statutory language² passed by lawmakers in the 2002 session, requiring the department to remove not only infected trees, but also exposed trees located within 1,900 feet of infected ones

As a result of these legal actions, the eradication program functioned under severe constraints and the disease continued to spread in southeast Florida and was even moved by property owners to several other counties.

Subsequently, every order issued by the Broward Circuit Judge was overturned by the Fourth District Court of Appeal in West Palm Beach. The question of the constitutionality of the tree removal statute went before the Florida Supreme Court and the law was upheld in February 2004.³

In addition to the legal delays, the spread of citrus canker bacteria was aided by the

² During the 2002 legislative session, the term, "exposed to infection," was codified in statute, based on research conducted by Dr. Timothy Gottwald, a scientist with the USDA.

³ *Haire v. Florida Department of Agriculture and Consumer Services*, 870 So. 2d774 (Fla. 2004)

unprecedented hurricane seasons Florida experienced in 2004 and 2005. In January 2006, based on scientific analyses, the USDA took the position that the then-current citrus canker eradication plan in Florida was inadequate to contain the disease and a new management plan was in order. The USDA further stated that they would no longer fund tree removal that was done with eradication as the goal.

During the 2006 legislative session, CS/CS/SB 994 was enacted to dismantle the citrus canker eradication program codified in Florida statute. CS/CS/SB 994 also directed the department to implement a comprehensive citrus health response plan (CHRP) to minimize the impact of citrus pests and diseases to production and to allow Florida's citrus to be marketed to other states and countries.

In addition, CS/CS/SB 994 stated that all claims for compensation under the Shade Dade or Shade Florida programs must be filed with the department no later than December 31, 2007. After that date, all unfiled claims will expire, and the compensation section of Florida law⁴ will be repealed effective July 1, 2008.

Effects of Proposed Changes

The bill repeals section 581.1845, F.S., as well as references elsewhere in statute, effectively removing all mention of the citrus canker eradication program from Florida statute.

B. SECTION DIRECTORY:

Section 1: Repeals s. 581.1845, F.S., relating to citrus canker eradication.

Section 2: Amends s. 215.22, F.S.; removes reference to funds expended for citrus canker eradication and compensation.

Section 3: Amends s. 933.02, F.S.; removes reference to s. 581.1845, F.S.

Section 4: Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

⁴ Section 581.1845, F.S.

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal government.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES