

1                                   A bill to be entitled  
2           An act relating to agricultural pests and  
3           diseases; providing legislative intent;  
4           creating s. 570.235, F.S.; creating the Pest  
5           Exclusion Advisory Committee within the  
6           Department of Agriculture and Consumer  
7           Services; establishing membership of the  
8           advisory committee; providing duties of the  
9           advisory committee; requiring a report;  
10          creating s. 593.28, F.S.; requiring the  
11          Department of Agriculture and Consumer Services  
12          to establish a reimbursement program for  
13          certain temporary relocation expenses;  
14          providing a limitation; amending s. 593.21,  
15          F.S.; directing the Department of Health to  
16          study the health effects of the aerial  
17          application of Malathion; providing for the  
18          appointment of a scientific advisory board;  
19          amending s. 593.22, F.S.; requiring earlier  
20          notice of the aerial application of a  
21          pesticide; providing for diagnostic and  
22          treatment costs; providing appropriations;  
23          providing an effective date.

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25           WHEREAS, the introduction of agricultural pests and  
26          diseases poses a serious threat to the physical health,  
27          safety, and economic well-being of the people of the state,  
28          and

29           WHEREAS, imported agricultural products provide a means  
30          by which pests and diseases enter this state, resulting in  
31          costly detection, eradication, and control programs, and

1           WHEREAS, the Department of Agriculture and Consumer  
2 Services is responsible for the early detection, eradication,  
3 and control of agricultural pests and diseases in a reasonable  
4 and well-justified manner, NOW, THEREFORE,

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

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8           Section 1. It is the intent of the Legislature that  
9 the aerial application of a pesticide be used only as a last  
10 resort for plant pest eradication when the Department of  
11 Agriculture and Consumer Services conducts an emergency  
12 response to plant pest infestation in an urbanized area. It is  
13 further the intent of the Legislature that the Department of  
14 Agriculture and Consumer Services shall assist the United  
15 States Environmental Protection Agency in expediting the  
16 approval process for plant pest eradication alternatives and  
17 alternative types of baits.

18           Section 2. Section 570.235, Florida Statutes, is  
19 created to read:

20           570.235 Pest Exclusion Advisory Committee.--

21           (1) There is created within the department a Pest  
22 Exclusion Advisory Committee. The advisory committee shall be  
23 composed of 26 members.

24           (a) The Commissioner of Agriculture shall appoint 19  
25 members representing the following:

26           1. Two members from the Department of Agriculture and  
27 Consumer Services.

28           2. Two citizens at large.

29           3. One member from each of the following agricultural  
30 production groups:

31           a. Row crops.

- 1           b. Citrus.  
2           c. Horticulture.  
3           d. Forestry.  
4           e. Cattle.  
5           f. Dairy.  
6           g. Pork.  
7           h. Poultry.  
8           i. Horses.  
9           j. Aquaculture.  
10          k. Apiary.  
11          4. One member representing research programs in the  
12 state's land grant institutions.  
13          5. One member representing extension programs in the  
14 state's land grant institutions.  
15          6. Two members from the environmental community.  
16          (b) In addition, the committee shall be composed of  
17 the following seven members:  
18           1. Two members representing and appointed by the  
19 Animal and Plant Health Inspection Service of the United  
20 States Department of Agriculture.  
21           2. One member representing and appointed by the  
22 Department of Health.  
23           3. One member representing and appointed by the  
24 Department of Environmental Protection.  
25           4. One member representing and appointed by the Game  
26 and Fresh Water Fish Commission.  
27           5. One member appointed by the Speaker of the House of  
28 Representatives.  
29           6. One member appointed by the President of the  
30 Senate.  
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1           (2) The advisory committee shall be governed by the  
2 provisions of s. 570.0705 and shall have the responsibility of  
3 reviewing and evaluating the state's existing and future  
4 exclusion, detection, and eradication programs. The  
5 Commissioner of Agriculture shall appoint the chair of the  
6 committee. In evaluating the programs, the advisory committee  
7 shall:

8           (a) Require the scientific community to provide  
9 necessary scientific background on Florida's programs. Using  
10 such information, the committee shall evaluate the scientific  
11 basis for the programs.

12           (b) Review current state laws and regulations and  
13 recommend changes.

14           (c) Identify exotic plants and pests in foreign  
15 countries which pose a significant threat to consumer safety  
16 and have a high likelihood of being introduced into the state.

17           (d) Identify high-risk areas for pest introduction and  
18 offer recommendations for specific programmatic activities to  
19 address such risk.

20           (e) Study the possibility of partnerships with other  
21 public and private entities to develop programs, projects, and  
22 activities that may be cost-effective and that may assist in  
23 implementing a pest exclusion program.

24           (f) Address any area of concern that is raised  
25 regarding the state's pest exclusion, detection, and  
26 eradication program.

27           (g) Make recommendations to the Commissioner of  
28 Agriculture, the Governor, the Speaker of the House of  
29 Representatives, and the President of the Senate for needs and  
30 changes in these programs, including funding requirements and  
31 needs.

1           (3) The committee shall issue a report of its findings  
2 to the Commissioner of Agriculture, the Governor, the Speaker  
3 of the House of Representatives, and the President of the  
4 Senate by January 1, 2001.

5           Section 3. Section 593.28, Florida Statutes, is  
6 created to read:

7           593.28 Relocation program.--

8           (1) The Department of Agriculture and Consumer  
9 Services shall establish a program to reimburse residents of  
10 the state for temporary relocation to avoid emergency aerial  
11 application of malathion to an urbanized area for purposes of  
12 plant pest eradication and control. Nothing in this section  
13 shall be construed to apply to pesticide applications  
14 regulated under chapter 388, chapter 482, or chapter 487 or  
15 persons performing any pest control or other operation for  
16 which they are licensed or certified under such chapters.  
17 Persons may be reimbursed for temporary and reasonable travel  
18 expenses to a location up to 25 miles outside the spray zone  
19 for the duration of each individual spray application.  
20 Individuals seeking reimbursement must be listed in the  
21 Department of Agriculture and Consumer Services registry of  
22 persons requiring prior notification of the application of  
23 pesticides, pursuant to s. 482.2267, when the emergency is  
24 declared. In addition, each individual seeking reimbursement  
25 shall provide receipts or other documentation for travel and  
26 other expenses, including costs for lodging and meals. All  
27 reimbursement shall be reasonable, shall be made in accordance  
28 with s. 215.422, and may not exceed \$100 per person per day.  
29 All reimbursement payments shall be made in accordance with s.  
30 215.422.

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1           (2) Relocation reimbursement expenses payable by the  
2 department under subsection (1) shall be limited to funds  
3 appropriated explicitly for such purpose.

4           Section 4. Section 593.21, Florida Statutes, 1998  
5 Supplement, is amended to read:

6           593.21 Monitoring of health complaints by Department  
7 of Health; hotline; rulemaking authority.--At any time when  
8 the Department of Agriculture and Consumer Services is  
9 conducting an emergency response to a plant pest infestation  
10 which involves the aerial application of a pesticide to an  
11 urbanized area, the Department of Health shall monitor health  
12 problems that result from chemical exposure about which  
13 complaints are made to physicians and health care facilities.  
14 The Department of Health shall provide a toll-free hotline on  
15 which persons may register complaints and shall make a record  
16 of all calls received on that line. In consultation with the  
17 Department of Health, the Department of Agriculture and  
18 Consumer Services shall adopt by rule standards for  
19 determining when the use of a particular pesticide should be  
20 discontinued. The Department of Health shall conduct an  
21 epidemiologic study to determine whether there are adverse  
22 health effects associated with the aerial application of  
23 Malathion and bait for the purpose of plant pest eradication.  
24 The study shall be designed by a three-member scientific  
25 advisory board. The board shall be comprised of one member  
26 with expertise in epidemiology from the State University  
27 System, one member who represents the Centers for Disease  
28 Control and Prevention, and one member who represents the  
29 Department of Health. The study shall be properly designed to  
30 include all aerial plant pest control applications, including  
31 bait mixtures as well as appropriate classifications,

1 diagnoses, treatments, and monitoring of adverse-effect  
2 reactions. Notwithstanding any law to the contrary, the  
3 Department of Health shall have access to confidential patient  
4 information for the purpose of conducting the study pursuant  
5 to, but not limited to, ss. 405.01-405.03. The results of the  
6 study shall be made available to the President of the Senate,  
7 the Speaker of the House of Representatives, the Executive  
8 Office of the Governor, and the Commissioner of Agriculture  
9 within 18 months after the next aerial application of  
10 Malathion conducted by the Department of Agriculture and  
11 Consumer Services occurring after July 1, 1999.

12 Section 5. Section 593.22, Florida Statutes, 1998  
13 Supplement, is amended to read:

14 593.22 Notice and information.--Before the Department  
15 of Agriculture and Consumer Services begins an emergency  
16 response to a plant pest infestation which involves the aerial  
17 application of a pesticide to an urbanized area, the  
18 department shall notify the public in the area in which the  
19 pesticide is to be applied of its impending action. Notice  
20 must be given at least 96 ~~48~~ hours before beginning the aerial  
21 application of a pesticide to an urbanized area. The  
22 department shall use all reasonable methods to disseminate  
23 information required under this section as widely as possible.  
24 Information to be disseminated includes, but is not limited  
25 to: a copy of any Environmental Protection Agency permit or  
26 other permit under which the pesticide will be applied, and  
27 the source, including the date of publication, of any  
28 technical information, if available, about the pesticide which  
29 is included in the notice; the projected area over which the  
30 pesticide will be applied; the predicted duration of the  
31 application period; and the number of the Department of

1 Health's toll-free hotline. When the emergency response to a  
2 plant pest infestation requires the aerial application of a  
3 pesticide to an urbanized area for a period longer than 1  
4 week, the department shall notify the public in the area of  
5 the program's continuation. The department shall notify the  
6 public in the area when an emergency response to a plant pest  
7 infestation which requires the aerial application of a  
8 pesticide to an urbanized area is terminated. The Department  
9 of Health shall provide services to evaluate and, if  
10 necessary, treat cases of illness associated with the aerial  
11 application of Malathion and bait for the purposes of plant  
12 pest eradication; however, the costs of evaluation and  
13 treatment services may be paid by the Department of Health  
14 only for individuals who are uninsured residents of the  
15 sprayed areas and who are included by the Department of Health  
16 as participants in the study provided in s. 593.21. The  
17 pesticide-illness classification established by the United  
18 States Centers for Disease Control and Prevention shall be  
19 used to establish definite or probable cases for eligibility  
20 determination for these services. The total cost of all  
21 evaluation and treatment services, including, but not limited  
22 to, health practitioner services, laboratory services, imaging  
23 services, and medications, may not exceed \$1,000 per patient.

24 Section 6. The sum of \$200,000 is appropriated from  
25 the General Revenue Fund to the Department of Agriculture and  
26 Consumer Services for the purpose of paying the costs of  
27 relocation reimbursement expenses to avoid Malathion spraying  
28 during the 1999-2000 Fiscal Year.

29 Section 7. The sum of \$550,000 is appropriated from  
30 the General Revenue Fund to the administrative trust fund in  
31 the Department of Health to carry out the provisions of this



1 act. Of this amount, \$450,000 is for the purpose of conducting  
2 the study provided for in the amendment to section 593.21,  
3 Florida Statutes, by this act and \$100,000 is for the purpose  
4 of providing services to evaluate and treat illness in  
5 accordance with the amendment to section 593.22, Florida  
6 Statutes, by this act.

7           Section 8. This act shall take effect July 1, 1999.

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