

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/SB 2408

SPONSOR: Agriculture and Consumer Services Committee and Senator Diaz-Balart

SUBJECT: Citrus Canker

DATE: April 7, 1999

REVISED: _____

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

I. Summary:

This bill addresses the need to eradicate citrus canker on residential properties and to compensate those persons who suffer losses because the Department of Agriculture and Consumer Services (department) must destroy their infected citrus trees.

The department is directed to establish emergency procedures for removal of trees infected with citrus canker on residential properties. It requires the department to develop a system for notifying the public about bacterial citrus canker and the methods used for its eradication or control. It provides specific criteria for the department to use to notify property owners of impending searches and the ordered destruction of infected trees.

The bill authorizes the department to create a citrus canker host-free buffer area to retard the spread of citrus canker from known infected areas. It requires the department to develop a compensation plan for the trees removed from the buffer area, subject to annual legislative appropriation. The bill also requires the department to develop and implement a tree-canopy replacement program for residential properties in urbanized areas affected by citrus canker, subject to the provisions and funding in specific legislative appropriations.

This bill creates section 581.1841, Florida Statutes.

II. Present Situation:

Citrus canker is a bacterial disease which infects citrus plants, including oranges, sour oranges, grapefruit, tangerines, lemons, and limes. It is found in Africa, Asia, Costa Rica, Mexico, South America, and Florida. Severe infections of citrus canker cause fruit to blemish and to drop prematurely from the tree, thereby reducing commercial production of citrus fruit. There is no known cure for any strain of citrus canker. Burning infected trees is the only known means of eradication.

Citrus canker was discovered on residential properties in Broward, Dade, and Manatee counties in November 1995. The Department of Agriculture and Consumer Services (department) responded by surveying properties and destroying both the infected trees and any exposed trees within 125 feet of the trees with canker. The department set up a hotline to answer the public's questions and issued pamphlets at displays in shopping centers which explained the epidemic in simple terms. Many homeowners, however, are angry at the loss of their trees and feel that they should be compensated for that loss.

The department is authorized to administer a citrus canker eradication program to prevent the spread of citrus canker and to eradicate citrus canker within the state. Chapter 5B-58, F.A.C.:

- Declares citrus canker to be a plant pest and a nuisance;
- Prohibits the removal of citrus nursery stock or citrus nursery plants or plant products from the quarantine area;
- Prohibits retail sale of citrus fruit originating in the quarantine area;
- Identifies regulated articles; and
- Provides for entry of authorized representative upon properties where citrus canker is known to exist or upon properties which have been exposed to citrus canker.

Presently, the department places advertisements in local area and Hispanic newspapers and runs public service announcements on Hispanic radio stations the week before they are scheduled to survey a specific area. After completing the survey of a property, a department technician leaves a notice on the door of the property to acknowledge the visit. If, during the survey it is discovered that a tree may be infected, the technician also leaves a notice that a plant pathologist will return within a week to 10 days to inspect the suspicious tree. If the tree is confirmed positively infected, department personnel will attempt to deliver an Immediate Final Order (IFO). If, after three attempts, the department cannot deliver the IFO in person to the property owner, the IFO is sent via certified mail. As a matter of courtesy, the property owner is asked to sign a waiver allowing the infected tree to be removed. At that point, the tree is destroyed.

III. Effect of Proposed Changes:

Section 1. Creates s. 581.1841, F.S., to establish emergency procedures for the Department of Agriculture and Consumer Services (department) to follow for citrus canker removal on residential properties. Requires the department to:

- Develop and provide a system to inform the public about bacterial citrus canker and the methods used for its eradication or control. The public information must specify the characteristics of the disease, the products and procedures to be used, any expected effects on the human population and the environment in the area where the program is to be carried out, and any recommended safety precautions and alternative methods of responding to the disease.
- Use products that comply with all applicable state and federal laws and rules.

- Ensure that its emergency procedures are reviewed and approved by scientific experts selected by the department and found to be biologically sound and in compliance with the National Plant Board Principles of Plant Quarantine.

Requires the department to give notice in writing to each property owner, or his or her authorized representative, before entering the property to survey for bacterial citrus canker. Requires the department to post a sign centrally located in each neighborhood where a citrus canker survey is conducted that states "CITRUS CANKER SURVEY IN PROGRESS." If the department suspects that citrus canker is present, a department plant pathologist must inspect the suspect property and conduct a visual diagnosis. Requires the department to notify the property owners or their authorized representatives, in writing, of the action to be taken in an immediate final order. The order must be delivered to the property owner within 30 working days after diagnosis. Provides the property owner with 5 working days from the receipt of the immediate final order to review it. Authorizes the department to implement its order after 5 working days from the date of the delivery of the order or sooner if the property owner signs a waiver agreeing to such action.

Authorizes the department to create a citrus canker host-free buffer area, delineated by department rule, to retard the spread of citrus canker from known infected areas. Requires the department to develop a compensation plan for the trees removed from the buffer area. Compensation is subject to annual legislative appropriation.

Requires the department to develop and implement a tree-canopy replacement program for residential properties in urbanized areas affected by citrus canker. Provides that the program is subject to the provisions of and funding in specific legislative appropriations. Defines the term "urbanized area" to mean land that is zoned for purposes other than agricultural purposes and that has a residential density of two or more units per acre.

Section 2. Provides that this act shall take effect July 1, 1999.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill provides advance notice of impending searches of property and the ordered destruction of bacterial citrus canker infected trees, as well as providing reimbursement for the trees that have been destroyed. This will allow residents to feel that due process has been served and that they have been compensated for their loss.

C. Government Sector Impact:

The Department of Agriculture and Consumer Services did not provide any cost estimates for the host-free buffer area since the language is permissive and not mandatory. Compensation for the trees removed from the buffer area is subject to annual legislative appropriation. The tree-canopy replacement program is also subject to provision and funding in specific legislative appropriations. The department provided the following estimated costs to carry out the remaining provisions of the bill:

	Fund	FY 1999-00	FY 2000-01	FY 2001-02
<u>OPERATING COSTS</u>				
Non-Recurring:	GR	0	0	0
Total Non-Recurring Costs:	GR	0	0	0
Recurring:				
10 OPS BioScientists*	GR	333,408	333,408	333,408
2 OPS Clerks**		30,360	30,360	30,360
Expenses-travel, postage, & other related costs	GR	237,120	237,120	237,120
Total Recurring Costs:	GR	\$600,888	\$600,888	\$600,888
<u>NON-OPERATING COSTS</u>		0	0	0
TOTAL OF ALL COSTS:	GR	\$600,888	\$600,888	\$600,888

* The department has indicated that it would need ten additional OPS biological scientists to keep pathology verification on a five-day schedule.

** Two OPS clerks would be needed to mail out notices to 624,000 properties a year.

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.
