

**STORAGE NAME:** h0773a.ag

**DATE:** March 30, 1999

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
AGRICULTURE  
ANALYSIS**

**BILL #:** HB 773

**RELATING TO:** Agricultural Pests and Diseases

**SPONSOR(S):** Representative Ogles

**COMPANION BILL(S):** SB 924 (i) by Senator McKay

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

- (1) AGRICULTURE YEAS 10 NAYS 0
  - (2) HEALTH CARE SERVICES
  - (3) GENERAL GOVERNMENT APPROPRIATIONS
  - (4)
  - (5)
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**I. SUMMARY:**

HB 773 creates a Task Force on Agricultural Pests and Diseases to:

- identify current pest and disease eradication and prevention efforts;
- identify current areas of lack of coverage or resources and unaddressed problems;
- initiate a feasibility study for an on-going sterile medfly release program;
- investigate the need for baseline medical data for comparison purposes in determining adverse reactions to the use of pesticides in eradication efforts;
- identify areas of scientific research necessary for effective eradication of plant and animal pests; and,
- report findings and recommendations to the Legislature by January 1, 2001.

The task force shall consist of designees of the Commissioner of Agriculture, the Secretary of the Department of Health, the Secretary of the Department of Environmental Protection, the Executive Director of the Department of Citrus, the Executive Director of the Florida Farm Bureau, the Executive Director of the Florida Fruit and Vegetable Association, the Executive Director of Florida Citrus Mutual, the Executive Director of the Institute of Food and Agricultural Sciences at the University of Florida, the Executive Director of the Florida Cattlemen's Association, an employee of the United States Department of Agriculture, a private physician appointed by the Secretary of the Department of Health, and three residents-at-large, each representing north, central, or south Florida, appointed by the Governor.

The bill also charges the Department of Agriculture and Consumer Services (department) with establishing a relocation program to reimburse residents who are forced, for medical reasons, to relocate to avoid Malathion spraying. Qualified residents may be reimbursed for temporary and reasonable travel expenses (not to exceed \$101 per person per day) to the closest location outside the spray zone during each individual spray application.

An appropriation of \$100,000 is provided from the General Revenue Fund to the department to implement the relocation program.

Please refer to Section VI. (Amendments) for changes to the bill made in committee.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Exotic pest infestations, such as Mediterranean Fruit Fly (Medfly), may be declared agricultural emergencies and may require aerial application of pesticides over urbanized areas.

In 1998, the Legislature passed CS/SB 926 requiring the Department of Agriculture and Consumer Services (department) and the Department of Health (DOH) to work together to effectively notify residents 48 hours prior to pesticide application and to monitor health problems resulting from the aerial application of said pesticides.

The legislation also provided for a toll-free hotline for registering complaints and reporting problems and the establishment of a health advisory committee to work with the department and DOH. The legislation required the department to use only pesticides previously approved by the United States Environmental Protection Agency.

B. EFFECT OF PROPOSED CHANGES:

This legislation will establish a Task Force on Agricultural Pests and Diseases to identify current pest and disease eradication and prevention efforts; identify current areas lacking coverage or resources, or unaddressed problems; initiate a feasibility study for an on-going sterile medfly release program for the state in general; investigate the need for baseline medical data for comparison purposes in determining adverse reactions to pesticides during eradication efforts; identify areas of scientific research necessary for effective plant and pest eradication; and, provide a report of findings and recommendations to the Legislature by January 1, 2001.

This legislation will also authorize the Department of Agriculture and Consumer Services (department) to establish a program to reimburse residents who, due to medical reasons, must relocate to avoid Malathion spraying. Qualified residents may be reimbursed for temporary and reasonable travel expenses to the closest location outside the spray zone during each individual spray application. Lodging costs may not exceed \$80 per night and meal costs may not exceed \$21 per day.

An appropriation of \$100,000 is provided from the General Revenue Fund to the department to cover the costs of the relocation reimbursement expenses.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Yes. By providing a relocation program during aerial application for residents who have a sensitivity to pesticides, there will be less controversy within the community when aerial spraying occurs.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes. The Department of Agriculture and Consumer Services is charged with establishing a relocation reimbursement program.

(3) any entitlement to a government service or benefit?

Yes. Residents in an aerial spray zone, who have a documented sensitivity to pesticides, will be reimbursed (up to \$101 per person per day) for relocating during each spray application.

b. If an agency or program is eliminated or reduced: **Not Applicable.**

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

(2) what is the cost of such responsibility at the new level/agency?

(3) how is the new agency accountable to the people governed?

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Yes. By providing the relocation reimbursement program, residents with a documented sensitivity to a pesticide will have the option of leaving the area during aerial pesticide application.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment: **Not Applicable.**

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

(2) Who makes the decisions?

(3) Are private alternatives permitted?

(4) Are families required to participate in a program?

(5) Are families penalized for not participating in a program?

b. Does the bill directly affect the legal rights and obligations between family members?

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

(2) service providers?

(3) government employees/agencies?

D. STATUTE(S) AFFECTED:

N/A

E. SECTION-BY-SECTION ANALYSIS:

**Section 1:** Creates a Task Force on Agricultural Pests and Diseases consisting of designees of the Commissioner of Agriculture, the Secretary of the Department of Health, the Secretary of the Department of Environmental Protection, the Executive Director of the Department of Citrus, the Executive Director of the Florida Farm Bureau, the Executive Director of the Florida Fruit and Vegetable Association, the Executive Director of Florida Citrus Mutual, the Executive Director of the Institute of Food and Agricultural Sciences at the University of Florida, the Executive Director of the Florida Cattlemen's Association, an employee of the United States Department of Agriculture, a private physician appointed by the Secretary of the Department of Health, and three residents-at-large, each representing north, central, or south Florida, appointed by the Governor.

**Section 2:** Charges the task force with identifying current pest and disease eradication and prevention efforts; identifying current areas lacking coverage or resources, or unaddressed problems; initiating a feasibility study for an on-going sterile medfly release program for the state in general; investigating the need for baseline medical data for comparison purposes in determining adverse reactions to pesticides during eradication efforts; identifying areas of scientific research necessary for effective plant and pest eradication; and, providing a report of findings and recommendations to the Legislature by January 1, 2001.

**Section 3:** Authorizes the Department of Agriculture and Consumer Services (department) to establish a program to reimburse residents who, due to medical reasons, must relocate to avoid Malathion spraying. Qualified residents may be reimbursed for temporary and reasonable travel expenses to the closest location outside the spray zone during each individual spray application. Lodging costs may not exceed \$80 per night and meal costs may not exceed \$21 per day.

**Section 4:** Appropriates \$100,000 from the General Revenue Fund to the department for the purpose of funding the relocation program.

**Section 5:** Provides an effective date of July 1, 1999.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

	Year 1 (FY 99-00)	Year 2 (FY 00-01)	Year 3 (FY 01-02)
Other Costs of Operation (OCO):			
(1) Standard OCO package @ \$3,302	\$ 3,302	\$ -	\$ -
(1) Passenger vehicle	<u>16,000</u>	<u>-</u>	<u>-</u>
*Total non-recurring costs	<u>19,302</u>	<u>-</u>	<u>-</u>

2. Recurring Effects:

Positions - (1) FTE - Biological scientist IV (PG 22 @ \$44,487)	44,847	46,192	47,578
Expenses - (1) Standard expense package @ \$8,611	8,611	8,611	8,611
Temporary moving expenses	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>
*Total recurring costs	<u>153,458</u>	<u>154,803</u>	<u>156,189</u>

3. Long Run Effects Other Than Normal Growth:

None

4. Total Revenues and Expenditures:

Total operating costs and revenues	<u>\$172,760</u>	<u>\$154,803</u>	<u>\$156,189</u>
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\*Salaries and benefits are calculated at 10% above the minimum and were increased by 3% for the second and third years in anticipation of salary increases. All costs are funded through the General Revenue Fund.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Since relocation would be voluntary and expenses would be reimbursed, there should be no real benefit or cost.

2. Direct Private Sector Benefits:

Same as above.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

The number of persons who will request relocation reimbursement is unknown; therefore, the actual amount of money needed is also unknown.

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:

The Department of Agriculture and Consumer Services (department) has expressed a concern with several portions of the bill. The portion relating to relocation is vague and the funding provided in the bill could prove to be inadequate. There is no criteria for medical documentation and it will be extremely difficult to validate documentation. The department feels the legitimacy of the need to relocate should be the responsibility of the Department of Health (DOH). Because the language of the bill is so broad, residents affected by mosquito control spraying would also be eligible for relocation expenses.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

A strike-everything amendment was adopted on HB 773. The provisions of the strike-everything amendment include:

- Legislative intent that aerial application of a pesticide be used only as a last resort. Also, that the Department of Agriculture and Consumer Services (department) work with the United States Environmental Protection Agency to expedite approval of alternative pesticides and baits for eradication efforts.
- The creation of a Pest Exclusion Advisory Committee to look at plant and animal pest infestations, both present and future, and offer solutions and recommendations to the Commissioner of Agriculture, Governor, Speaker of the House of Representatives, and President of the Senate by January 1, 2001.

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- A case-control study by the Department of Health (DOH) to determine the adverse health effects associated with the aerial application of malathion and bait.
- A change in the notice requirements from 48 hours to 96 hours at the onset of the emergency aerial application of a pesticide for eradication purposes.
- The creation of a relocation program by the department to reimburse residents for temporary relocation during aerial application of malathion. Mosquito spraying and pest control application is excluded from the relocation program. Persons seeking reimbursement must be listed in the departments' pesticide registry prior to the pesticide application taking place. Only funds explicitly appropriated for such purpose will be used for the reimbursement of relocation expenses.
- An appropriation of \$10,000 from the General Revenue Fund for the operational needs of the Pest Exclusion Advisory Committee; an appropriation of \$450,000 from the General Revenue Fund to the Administrative Trust Fund of DOH for carrying out the case-control study; and; an appropriation of \$200,000 from the General Revenue Fund for costs associated with the relocation reimbursement program.

VII. SIGNATURES:

COMMITTEE ON AGRICULTURE:

Prepared by:

Staff Director:

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Debbi Kaiser

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Susan D. Reese