

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/CS/SB 170

SPONSOR: Appropriations Subcommittee on General Government, Agriculture and Consumer Services Committee, Senators Geller and Dawson

SUBJECT: Citrus Canker Eradication

DATE: April 11, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Poole	AG	Favorable/CS
2.	Hendon	Martin	AGG	Favorable/CS
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Department of Agriculture is currently conducting a citrus canker eradication program primarily in south Florida. The department identifies trees with infected and exposed citrus and removes them from the property to prevent further infection. This bill creates a compensation program to provide \$100 per tree to residential citrus tree owners based on funds appropriated by law. This program applies retroactively to trees removed on or after January 1, 1995.

This bill creates an as yet unnumbered section of the Florida Statutes.

II. 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 windborne rain, equipment, animals and birds, people carrying infection on their hands or clothing, or by moving infected or exposed plants or plant parts. Citrus canker was discovered on residential properties in Broward, Miami-Dade, and Manatee counties in 1995, causing the Department of Agriculture and Consumer Services (department) to implement emergency procedures for citrus canker removal. Since that time, the Citrus Canker Eradication Program, organized and implemented through the department, has cut approximately 600,000 residential trees across South Florida and even more commercial citrus trees.

The department sends out survey crews to look for citrus trees that appear to have canker symptoms. When a suspect tree is found, a trained pathologist is sent to the property to do a final diagnosis and collect a sample of the infected material. The sample is tested under a microscope to verify the citrus canker diagnosis. If the sample tests positive for canker, the city

in which the tree is located is notified of a positive test and is given 10 days to get a second opinion of the infestation. If the city declines the option of a second opinion, an Immediate Final Order is sent to the owner of the diseased tree and to the owners of every citrus tree that falls within a 1,900 feet arc of the infested tree, notifying them that their diseased or exposed tree will be cut. Residents have five days after receiving an Immediate Final Order to file an appeal before the tree is cut.

The 1,900 feet distance was determined from a specific research study conducted by United States Department of Agriculture plant pathologists under the weather conditions in South Florida. Over 15,000 trees were identified and monitored for evidence of citrus canker disease. From this research, it was determined that approximately 95 percent of the exposed trees that became diseased were up to 1,900 feet away from a single disease-positive tree. It was further found that the previously used distance of 125 feet for exposed trees captured only 20 percent of the trees likely to be infected by the disease from a disease-positive tree. Using 125 feet to determine what exposed trees to remove meant that up to 80 percent of the trees not yet showing canker symptoms were being left to further spread the disease.

In November 2000, a circuit court judge issued an injunction to halt the cutting of trees in Broward County. The injunction has since been challenged in the 4th District Court of Appeals. The ruling applied only to Broward County, but the state has agreed to apply it in Miami-Dade as well. The department continues to cut diseased and exposed trees in Palm Beach County.

Legislation passed in 1999 to authorize the department to establish the Shade Florida program. The program provides each resident, regardless of the number of trees destroyed on their property, with a \$100 voucher redeemable at Wal-Mart Garden Centers. The voucher may be used towards the purchase of any non-citrus trees, plants, or garden supplies, and is valid for one year from the date of purchase. To date, a total of \$18 million has been appropriated for the Shade Dade and Shade Florida program with the United States Department of Agriculture providing \$15 million.

III. Effect of Proposed Changes:

Section 1. The bill directs the Department of Agriculture and Consumer Services to administer a compensation program for residential citrus trees removed as part of a citrus canker eradication program. Federal and state funds appropriated by law may be used to fund the compensation program. The bill defines eligible homeowners as those of record as of the effective date of the bill who have had citrus trees removed from their property since January 1, 1995 as part of the canker eradication program and are not eligible for commercial compensation from the United States Department of Agriculture.

The bill sets compensation at \$100 per tree. However, if the homeowner is eligible for a Shade Dade or Shade Florida card, the homeowner may not receive compensation for the first tree cut. The bill does not limit the amount of compensation paid by another entity or pursuant to court order for the removal of citrus trees as part of a citrus canker eradication program.

The Department of Agriculture and Consumer Services is directed to notify eligible homeowners, develop a form to request compensation, and provide a process to resolve disputes. The bill allows the department to use up to \$500,000 of the funds appropriated to administer the program.

Section 2. Provides that this act shall take effect upon becoming a law.

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:

Residential property owners who have citrus trees removed from their property as part of a citrus canker eradication program can be compensated \$100 per tree removed.

C. Government Sector Impact:

Funds for the compensation program must be appropriated by law, either in a bill with a specific appropriation or in the General Appropriations Act. The Department of Agriculture and Consumer Services' records show that approximately 600,000 residential citrus trees have been removed since 1995. Approximately 200,000 affected homeowners have been offered a Shade Dade or Shade Florida card worth \$100. Such homeowners would not be eligible for compensation for the first tree cut from their property under this bill. This reduces the total number of trees to be compensated to 400,000. But to complete the current eradication program the department expects to remove up to 200,000 additional citrus trees, which brings the total number of trees eligible for compensation to 600,000.

The Department of Agriculture has estimated its expenses to administer the compensation program to be \$430,000.

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.
