

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: SB 1926
 SPONSOR: Senator Posey
 SUBJECT: Citrus Canker
 DATE: February 8, 2002 REVISED: 2-12-02 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Poole</u>	<u>AG</u>	<u>Fav/1 amendment</u>
2.	<u> </u>	<u> </u>	<u>CJ</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>AGG</u>	<u> </u>
4.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

I. Summary:

This bill provides grounds for issuance of search warrants relating to the spread of citrus canker. It authorizes the Department of Agriculture and Consumer Services to obtain a search warrant for an area in size up to and including the full extent of the county in which the search warrant is issued. If requested, a judge is required to hold a public hearing prior to issuance of such search warrant. Anyone opposed to being included in the search warrant would have the opportunity at the public hearing to state their objections.

This bill amends sections 933.02 and 933.07, of the Florida Statutes.

II. Present Situation:

This bill addresses the state’s ongoing citrus canker eradication efforts. Citrus canker is a highly contagious bacterial disease which infects citrus plants, including oranges, sour oranges, grapefruit, tangerines, lemons, and limes. The Department of Agriculture and Consumer Services currently has the authority under s. 581.031, F.S., to issue search warrants. This legislation would authorize the issuance of search warrants for the purpose of searching for citrus canker.

III. Effect of Proposed Changes:

Section 1. Amends s. 933.02, F.S., to provide grounds for issuance of search warrants relating to the spread of citrus canker.

Section 2. Amends s. 933.07, F.S., to authorize the Department of Agriculture and Consumer Services (department) to obtain a search warrant for an area in size up to and including the full extent of the county in which the search warrant is issued. Requires the judge, if requested, to hold a public hearing to receive and hear any objections to the issuance of such search warrant.

Allows the search warrant to be served by employees or authorized contractors of the department. Specifies that the search warrant may be made returnable at any time up to six months from the date of issuance.

Section 3. 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:

Indeterminate.

C. Government Sector Impact:

The Department of Agriculture and Consumer Services estimates that there would be a \$34,000 yearly fiscal impact to carry out the provisions of this bill. The department assumes that public hearings would need to be held once a year in ten counties and would incur the following expenses:

Cost to advertise in Florida Administrative Weekly	300
Cost to advertise the hearing in local newspapers	15,000
Cost for transcription services	18,000
Travel costs for staff attendance	1,000
TOTAL:	\$34,000

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Agriculture and Consumer Services:

Provides that notice of citrus tree removal may be made by search warrant. Provides a process for property owners to seek a stay of the removal. Requires the Department of Agriculture and Consumer Services (department) to provide specified information simultaneously with the delivery of the search warrant. Specifies that search warrants may be delivered in person, by certified mail, or by attaching the search warrant to a conspicuous place on the property on which the citrus trees to be removed are located. Allows a chief law enforcement officer, as well as the sheriff, to assist in maintaining order when the department obtains access to property and when trees are eradicated. Requires the department to adopt a program to repair damage from tree removal. Provides for citrus canker training programs for local government employees. Provides grounds for issuance of search warrants relating to citrus canker. Provides for a court hearing before the issuance of the first warrant in each county. (WITH TITLE AMENDMENT)

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
