

STORAGE NAME: h0627.ag.doc
DATE: January 3, 2002

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
AGRICULTURE AND CONSUMER AFFAIRS (CCC)
ANALYSIS**

BILL #: HB 627
RELATING TO: Citrus Canker Eradication
SPONSOR(S): Representative(s) Lerner
TIED BILL(S): None

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

- (1) AGRICULTURE AND CONSUMER AFFAIRS (CCC)
 - (2) FISCAL POLICY & RESOURCES (FRC)
 - (3) COUNCIL ON COMPETITIVE COMMERCE
 - (4)
 - (5)
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I. SUMMARY:

HB 627 requires the Department of Agriculture and Consumer Services (department) to obtain a search warrant in order to inspect for citrus canker if consent to inspect is denied by the owner or person in charge of said property. The bill also places the burden of proof of necessity for inspection on the department.

The fiscal impact of this legislation is approximately \$438,000 in expenditures by state government. HB 627 takes effect upon becoming law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Currently, the Department of Agriculture and Consumer Services (department) is given authority through s. 581.031 (15)(a), F.S., to survey and inspect plants or plant products that may be capable of disseminating or carrying plant pests, noxious weeds, or arthropods. This section of the statutes also authorizes the department to "...enter into or upon any place" to carry out said surveys or inspections. It is the practice of the department to notify residents of a neighborhood by leaving flyers at each house prior to the survey taking place. The flyers notify residents that department personnel, with identifying credentials, will be in the area in the next few weeks to survey citrus trees for signs of citrus canker.

If, during the survey process, a residence is identified as having an infected or exposed tree, the owner or person in charge of said property is notified by means of an Immediate Final Order (IFO). The IFO describes in detail the steps, and timeframe, to be taken by the department in removing the infected/exposed tree. The IFO also provides a pathology report for the infected tree (if the tree on the property is an exposed tree, a pathology report for the infected tree causing the exposure is included), as well as the necessary forms and information for filing an appeal and a motion to stay. Section 581.181, F.S., grants the department the authority for this action.

C. EFFECT OF PROPOSED CHANGES:

HB 627 would require the Department of Agriculture and Consumer Services (department) to obtain a search warrant each time an owner or person in charge of said premises denies the department access for the purpose of inspection. In addition, the burden of proof of necessity to inspect lies with the department.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends s. 581.184, F.S., requiring the Department of Agriculture and Consumer Services (department) to obtain a search warrant for regulatory inspection when consent to inspect has been denied by the owner, agent, manager, or other person in charge of said premises; and, placing the burden of proof for necessary inspection on the department.

Section 2: Provides an effective date of upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

Non-Recurring:	Amount Year 1 (FY 02-03)	Amount Year 2 (FY 03-04)	Amount Year 3 (FY 04-05)
Non-Recurring Costs: (GR)			
OCO equipment (7) computers @ \$2000	\$ 14,000		
OCO vehicle – 4 door sedan	15,000		
Data processing (private vendor) Modifications to system to track properties with consent refusals and search warrants issued.	<u>100,000</u>		
	136,000		
Recurring: (GR)			
Positions in Pasco County			
Pay grade 220 (1 FTE)	\$ 76,336	\$ 78,626	\$ 80,985
Pay grade 013 (2 FTE)	62,111	63,975	65,894
Pay grade 004 (4 FTE)	<u>95,828</u>	<u>98,703</u>	<u>101,664</u>
Total salaries	234,275	241,304	248,543
Expenses			
Standard expense (1 pro, 6 support)	58,029	39,350	39,350
Travel	<u>10,000</u>	<u>20,000</u>	<u>20,000</u>
Total expenses	68,029	59,350	59,350
Data processing (private vendor)	<u>-</u>	<u>25,000</u>	<u>25,000</u>
Total data processing	<u>-</u>	<u>25,000</u>	<u>25,000</u>
Total recurring costs	<u>302,304</u>	<u>325,654</u>	<u>328,893</u>
Total costs	<u>\$438,304</u>	<u>\$325,654</u>	<u>\$328,893</u>

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

If implemented, additional delays could occur in gaining property access, which could cause additional spread of citrus canker. As a result, additional citrus trees may require removal.

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:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

STORAGE NAME: h0627.ag.doc

DATE: January 3, 2002

PAGE: 5

VII. SIGNATURES:

COMMITTEE ON AGRICULTURE AND CONSUMER AFFAIRS (CCC):

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