

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 1853                      Citrus Canker  
**SPONSOR(S):** Appropriations and Baker  
**TIED BILLS:**    **IDEN./SIM. BILLS:**

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Appropriations	32 Y, 0 N	Dixon	Baker
2)			
3)			
4)			
5)			

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**SUMMARY ANALYSIS**

HB 1853 makes it mandatory for the Department of Agriculture and Consumer Services to notify a landowner before removing a tree infected or exposed to citrus canker that is located on the person's land. The bill also changes the specified amount a homeowner will recover for the removal of a tree from \$100 to \$55 for the second and subsequent trees removed. (For the first tree removed, the homeowner is compensated with a \$100 voucher from the Shade Florida Program.) In addition, the bill codifies in statutes the procedures the department shall follow when removing the citrus tree.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h1853.ap.doc  
**DATE:** March 26, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | 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. EFFECT OF PROPOSED CHANGES:

Citrus canker is a bacterial disease of citrus that causes premature leaf and fruit drop. It is very contagious and can be spread among citrus trees by windborne rain, lawnmowers and landscaping equipment, animals and birds, people transmitting the bacteria on their hands or clothes, or the movement of infected or exposed plants.

The Department of Agriculture and Consumer Services is required by law to remove infected trees or trees exposed to infection. (s. 581.184(2), Florida Statutes) HB 1853 requires that the Department of Agriculture and Consumer Services notify the owner of the property where the infected or exposed citrus trees are located of the pending removal of such trees.

Homeowners whose trees are removed pursuant to the state's citrus canker eradication program are entitled to compensation for trees removed from their property. HB 1853 amends s. 581.1845, Florida Statutes, which changes the amount of compensation from \$100 per tree to \$55 per tree. This is the amount that has been provided for the last two years through implementing bill changes. HB 1853 would codify this change in the Florida Statutes. This amount has been challenged in court, and the Fourth District Court of Appeal held that the statute expressly stated that the specified amount did not limit the amount a homeowner could recover for the removal of the tree. The court ruled that the Legislature merely provided a floor for the amount of recovery and left the job of determining the amount of just compensation to the discretion of the court. The Supreme Court upheld the decision of the Fourth District Court of Appeal in an opinion published February 12, 2004. *Haire v. Florida Department of Agriculture and Consumer Services*, 29 Fla. L. Weekly S 67.

#### C. SECTION DIRECTORY:

Section 1. Amends s. 581.184, Florida Statutes, relating to voluntary destruction agreements for citrus canker eradication.

Section 2. Amends s. 581.1845, Florida Statutes, relating to compensation to homeowners whose trees have been removed due to citrus canker eradication.

Section 3. Provides an effective date.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None

2. Expenditures:

HB 1835, the proposed general appropriations act, contains \$3.3 million for this compensation program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Homeowners that have trees removed by the Department of Agriculture and Consumer Services or its designee through the Citrus Canker Eradication Program shall be reimbursed \$55 per tree for each tree removed subsequent to the first tree.

(The homeowner is compensated with a \$100 voucher from the Shade Florida Program for the first tree.)

D. FISCAL COMMENTS:

Previously, these issues have been annually addressed in proviso language contained in the General Appropriations Act. The bill would eliminate the need for future proviso language.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

No impact on municipal or county governments.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None