

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.)

Prepared By: Agriculture Committee

BILL: SB 292

SPONSOR: Agriculture Committee

SUBJECT: Citrus Canker Eradication

DATE: January 25, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Poole	Poole	AG	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

An interim mandatory review of section 581.184(1)(b), F.S., was assigned to the Committee on Agriculture. The paragraph provides a statutory definition for the term “exposed to infection” regarding citrus canker disease. A ruling by the Florida Supreme Court found the definition to be constitutional and enforceable. The bill repeals language from the Laws of Florida that would end the statutory definition of the term, “exposed to infection.”

This bill repeals section 4 of Chapter 2002-11, Laws of Florida.

II. Present Situation:

In September, 1995, citrus canker disease was discovered in a residential area near the Miami International Airport. Initial surveys showed that an area of about 50 square miles contained many citrus canker infected trees. Since the discovery, much has transpired as the Citrus Canker Eradication Program (CCEP) has worked to protect the state’s citrus trees and the citrus industry.

Based upon scientific research by Dr. Timothy Gottwald, a scientist of the United States Department of Agriculture (USDA), the term “exposed to infection”, was more clearly written in statute by the Legislature in the 2002 Regular Session to mean “citrus trees located within 1,900 feet of an infected tree.” Additionally, the Legislature provided for a repeal of the definition, effective July 1, 2005, with a mandatory review by the Legislature prior to that date.

Citizens in the eradication zone challenged the constitutionality of the eradication program with filings in the state’s courts. The Florida Supreme Court found the Citrus Canker Law to be constitutional, including section 581.184(1)(b), F.S.

III. Effect of Proposed Changes:

This bill will save from automatic repeal the definition of the term “exposed to infection” as it pertains to the Citrus Canker Law. It follows a legislative review consistent with section 4 of Chapter 2002-11, Laws of Florida and a ruling by the Florida Supreme Court that holds the law to be constitutional and enforceable.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

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