

By the Committee on Agriculture

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1 A bill to be entitled

2 An act relating to pest control; creating s. 570.345,
3 F.S., the Pest Control Compact; providing for enactment of
4 the compact; requiring the Commissioner of Agriculture to
5 administer the compact; requiring that an application for
6 assistance under the compact be made by the commissioner;
7 providing findings with respect to the need for all states
8 to cooperate in pest-eradication and control programs;
9 providing definitions; providing for the establishment of
10 the Pest Control Insurance Fund for the purpose of
11 financing pest-control operations under the compact;
12 providing for the Pest Control Insurance Fund to be
13 administered by a Governing Board and Executive Committee;
14 providing for the internal operations and management of
15 the Governing Board; requiring an annual report to the
16 Governor and Legislature of each state that is a party to
17 the compact; providing for the administration of the Pest
18 Control Insurance Fund; providing procedures for applying
19 for an expenditure from the fund; providing for a
20 determination with respect to expenditures from the fund
21 and for the review thereof; authorizing the Governing
22 Board to establish advisory and technical committees;
23 providing for an application for assistance from the fund
24 on behalf of a nonparty state; providing requirements for
25 the fund with respect to preparing budgets and maintaining
26 financial assets; prohibiting a pledge of the assets of a
27 state that is a party to the compact; providing for the
28 compact to enter into force upon its enactment by five or
29 more states; providing a procedure for a state to withdraw

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30 from the compact; providing for construction and
31 severability; providing an effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Section 570.345, Florida Statutes, is created to
36 read:

37 570.345 Pest Control Compact.--

38 (1) ENACTMENT OF COMPACT.--The Pest Control Compact is
39 enacted into law and entered into with all other jurisdictions
40 legally joining therein in the form substantially as provided in
41 this section.

42 (a) Consistent with law and within available
43 appropriations, the departments, agencies, and officers of this
44 state may cooperate with the Insurance Fund established by the
45 Pest Control Compact.

46 (b) Pursuant to paragraph (5) (h), copies of bylaws and
47 amendments thereto shall be filed with the Commissioner of
48 Agriculture.

49 (c) The compact administrator for this state shall be the
50 Commissioner of Agriculture.

51 (d) Within the meaning of paragraph (7) (b) or paragraph
52 (9) (a), a request or application for assistance from the
53 Insurance Fund may be made by the Commissioner of Agriculture.

54 (e) The department, agency, or officer expending or
55 becoming liable for an expenditure on account of a control or
56 eradication program undertaken or intensified pursuant to the
57 compact shall have credited to the appropriate account in the
58 state treasury the amount or amounts of any payments made to this

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59 state to defray the cost of such program, or any part thereof, or
60 as reimbursement thereof.

61 (f) As used in this compact, with reference to this state,
62 the term "executive head" means the Governor.

63 (2) FINDINGS.--

64 (a) In the absence of the higher degree of cooperation
65 possible under this compact, the annual loss of approximately
66 \$137 billion from the depredations of pests is virtually certain
67 to continue, if not to increase.

68 (b) Because of the varying climatic, geographic, and
69 economic factors, each state may be affected differently by
70 particular species of pests; but all states share the inability
71 to protect themselves fully against pests that present serious
72 dangers to them.

73 (c) The migratory character of pest infestations makes it
74 necessary for states both adjacent to and distant from one
75 another to complement each other's activities when faced with
76 conditions of infestation and reinfestation.

77 (d) While every state is seriously affected by a
78 substantial number of pests, and every state is susceptible to
79 infestation by many species of pests not now causing damage to
80 its crops and plant life and products, the fact that relatively
81 few species of pests present equal danger to or are of interest
82 to all states makes the establishment and operation of an
83 Insurance Fund, from which individual states may obtain financial
84 support for pest-control programs of benefit to them in other
85 states and to which they may contribute in accordance with their
86 relative interest, the most equitable means of financing
87 cooperative pest-eradication and control programs.

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88 (3) DEFINITIONS.--As used in this compact, the term:

89 (a) "State" means a state, territory, or possession of the
90 United States, the District of Columbia, or the Commonwealth of
91 Puerto Rico.

92 (b) "Requesting state" means a state that invokes the
93 procedures of the compact to secure the undertaking or
94 intensification of measures to control or eradicate one or more
95 pests within one or more other states.

96 (c) "Responding state" means a state that is requested to
97 undertake or intensify the measures referred to in paragraph (b).

98 (d) "Pest" means any invertebrate animal, pathogen,
99 parasitic plant, or similar or allied organism that can cause
100 disease or damage in any crops, trees, shrubs, grasses, or other
101 plants of substantial value.

102 (e) "Insurance Fund" means the Pest Control Insurance Fund
103 established pursuant to this compact.

104 (f) "Governing Board" means the administrators of this
105 compact representing all of the party states when such
106 administrators are acting as a body in pursuance of authority
107 vested in them by this compact.

108 (g) "Executive Committee" means the committee established
109 pursuant to paragraph (6) (e).

110 (4) INSURANCE FUND.--There is established a Pest Control
111 Insurance Fund for the purpose of financing other than normal
112 pest-control operations that states may be called upon to engage
113 in pursuant to this compact. The Insurance Fund shall contain
114 moneys appropriated to it by the party states and any donations
115 and grants accepted by it. All appropriations, except as
116 conditioned by the rights and obligations of party states

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117 expressly set forth in this compact, shall be unconditional and
118 may not be restricted by the appropriating state to use in the
119 control of any specified pest or pests. Donations and grants may
120 be conditional or unconditional, except that the Insurance Fund
121 may not accept any donation or grant whose terms are inconsistent
122 with any provision of this compact.

123 (5) PEST CONTROL INSURANCE FUND; INTERNAL OPERATIONS AND
124 MANAGEMENT.--

125 (a) The Insurance Fund shall be administered by a Governing
126 Board and Executive Committee as hereinafter provided. The
127 actions of the Governing Board and the Executive Committee
128 pursuant to this compact shall be deemed the actions of the
129 Insurance Fund.

130 (b) The members of the Governing Board are entitled to one
131 vote on the board. Action by the Governing Board is not binding
132 unless taken at a meeting at which a majority of the total number
133 of votes on the Governing Board is cast in favor thereof. Action
134 of the Governing Board shall be taken only at a meeting at which
135 a majority of the members are present.

136 (c) The Insurance Fund shall have a seal that may be
137 employed as an official symbol and that may be affixed to
138 documents and otherwise used as the Governing Board may provide.

139 (d) The Governing Board shall elect annually, from among
140 its members, a chairperson, a vice chairperson, a secretary, and
141 a treasurer. The chairperson may not succeed himself or herself.
142 The Governing Board may appoint an executive director and fix his
143 or her duties and compensation, if any. Such executive director
144 shall serve at the pleasure of the Governing Board. The Governing
145 Board shall make provision for the bonding of such of the

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146 officers and employees of the Insurance Fund as may be
147 appropriate.

148 (e) Irrespective of the civil service, personnel, or other
149 merit system laws of any of the party states, the executive
150 director or, if there is no executive director, the chairperson,
151 in accordance with such procedures as the bylaws may provide,
152 shall appoint, remove, or discharge such personnel as may be
153 necessary for the performance of the functions of the Insurance
154 Fund and shall fix the duties and compensation of such personnel.
155 The Governing Board in its bylaws shall provide for the personnel
156 policies and programs of the Insurance Fund.

157 (f) The Insurance Fund may borrow, accept, or contract for
158 the services of personnel from any state, the United States, or
159 any other governmental agency, or from any person, firm,
160 association, or corporation.

161 (g) The Insurance Fund may accept for any of its purposes
162 and functions under this compact any and all donations and grants
163 of money, equipment, supplies, materials, and services,
164 conditional or otherwise, from any state, the United States, or
165 any other governmental agency, or from any person, firm,
166 association, or corporation, and may receive, use, and dispose of
167 the same. Any donation, gift, or grant accepted by the Governing
168 Board pursuant to this paragraph or services borrowed pursuant to
169 paragraph (f) shall be reported in the annual report of the
170 Insurance Fund. Such report must include the nature, amount, and
171 conditions, if any, of the donation, gift, grant, or services
172 borrowed and the identity of the donor or lender.

173 (h) The Governing Board shall adopt bylaws for the conduct
174 of the business of the Insurance Fund and shall have the power to

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175 amend and to rescind these bylaws. The Insurance Fund shall
176 publish its bylaws in a convenient form and shall file a copy
177 thereof and a copy of any amendment thereto with the appropriate
178 agency or officer in each of the party states.

179 (i) The Insurance Fund shall make an annual report to the
180 Governor and Legislature of each party state which covers its
181 activities for the preceding year. The Insurance Fund may make
182 such additional reports as it may deem desirable.

183 (j) In addition to the powers and duties specifically
184 authorized and imposed, the Insurance Fund may do such other
185 things as are necessary and incidental to the conduct of its
186 affairs pursuant to this compact.

187 (6) COMPACT AND INSURANCE FUND ADMINISTRATION.--

188 (a) In each party state there shall be a compact
189 administrator who shall be selected and serve in such manner as
190 the laws of his or her state may provide, who shall assist in the
191 coordination of activities pursuant to the compact in his or her
192 state, and who shall represent his or her state on the Governing
193 Board of the Insurance Fund.

194 (b) If the laws of the United States specifically so
195 provide, or if administrative provision is made therefore within
196 the Federal Government, the United States may be represented on
197 the Governing Board of the Insurance Fund by not more than three
198 representatives. Any such representative or representatives of
199 the United States shall be appointed and serve in such manner as
200 may be provided by or pursuant to federal law, but no such
201 representative shall have a vote on the Governing Board or the
202 Executive Committee thereof.

203 (c) The Governing Board shall meet at least once each year

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204 for the purpose of determining policies and procedures in the
205 administration of the Insurance Fund and, consistent with the
206 provisions of the compact, supervising and giving direction to
207 the expenditure of moneys from the Insurance Fund. Additional
208 meetings of the Governing Board shall be held at the call of the
209 chairperson, the Executive Committee, or a majority of the
210 membership of the Governing Board.

211 (d) At such times as it may be meeting, the Governing Board
212 shall pass upon applications for assistance from the Insurance
213 Fund and authorize disbursements therefrom. When the Governing
214 Board is not in session, the Executive Committee thereof shall
215 act as agent of the Governing Board, and has full authority to
216 act for it in passing upon such applications.

217 (e) The Executive Committee shall be composed of the
218 chairperson of the Governing Board and four additional members of
219 the Governing Board chosen by it so that there shall be one
220 member representing each of four geographic groupings of party
221 states. The Governing Board shall make such geographic groupings.
222 If there is representation of the United States on the Governing
223 Board, one such representative may meet with the Executive
224 Committee. The chairman of the Governing Board shall be the
225 chairperson of the Executive Committee. No action of the
226 Executive Committee shall be binding unless taken at a meeting at
227 which at least four members of such committee are present and
228 vote in favor thereof. Necessary expenses of each of the five
229 members of the Executive Committee incurred in attending meetings
230 of such committee, when not held at the same time and place as a
231 meeting of the Governing Board, shall be charged against the
232 Insurance Fund.

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233 (7) ASSISTANCE AND REIMBURSEMENT.--

234 (a) Each party state pledges to each other party state that
235 it will employ its best efforts to eradicate, or control within
236 the strictest practicable limits, any and all pests. It is
237 recognized that performance of this responsibility involves:

238 1. The maintenance of pest-control and eradication
239 activities of interstate significance by a party state at a level
240 that would be reasonable for its own protection in the absence of
241 this compact.

242 2. The meeting of emergency outbreaks or infestations of
243 interstate significance to no less an extent than would have been
244 done in the absence of this compact.

245 (b) Whenever a party state is threatened by a pest not
246 present within its borders but present within another party
247 state, or whenever a party state is undertaking or engaged in
248 activities for the control or eradication of a pest or pests and
249 finds that such activities are or would be impracticable or
250 substantially more difficult by reason of failure of another
251 party state to cope with infestation or threatened infestation,
252 that state may request the Governing Board to authorize
253 expenditures from the Insurance Fund for eradication or control
254 measures to be taken by one or more of such other party states at
255 a level sufficient to prevent, or to reduce to the greatest
256 practicable extent, infestation or reinfestation of the
257 requesting state. Upon such authorization, the responding state
258 or states shall take or increase such eradication or control
259 measures as may be warranted. A responding state shall use moneys
260 available from the Insurance Fund expeditiously and efficiently
261 to assist in affording the protection requested.

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262 (c) In order to apply for expenditures from the Insurance
263 Fund, a requesting state shall submit the following in writing:

264 1. A detailed statement of the circumstances that occasion
265 the request for invoking the compact.

266 2. Evidence that the pest for which eradication or control
267 assistance is requested constitutes a danger to an agricultural
268 or forest crop, product, tree, shrub, grass, or other plant
269 having a substantial value to the requesting state.

270 3. A statement of the extent of the present and projected
271 program of the requesting state and its subdivisions, including
272 full information as to the legal authority for the conduct of
273 such program or programs and the expenditures being made, or
274 budgeted therefore, in connection with the eradication, control,
275 or prevention of introduction of the pest concerned.

276 4. Proof that the expenditures being made or budgeted as
277 detailed in subparagraph 3. do not constitute a reduction of the
278 effort for the control or eradication of the pest concerned or,
279 if there is a reduction, the reasons why the level of program
280 detailed in subparagraph 3. constitutes a normal level of pest-
281 control activity.

282 5. A declaration as to whether, to the best of the
283 requesting state's knowledge and belief, the conditions that
284 occasion the invoking of the compact in the particular instance
285 can be abated by a program undertaken with the aid of moneys from
286 the Insurance Fund within 1 year or less, or whether the request
287 is for an installment in a program that is likely to continue for
288 a longer period of time.

289 6. Such other information as the Governing Board may
290 require consistent with the provisions of this compact.

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291 (d) The Governing Board or Executive Committee shall give
292 due notice of any meeting at which an application for assistance
293 from the Insurance Fund is to be considered. Such notice shall be
294 given to the compact administrator of each party state and to
295 such other officers and agencies as may be designated by the laws
296 of the party states. The requesting state and any other party
297 state is entitled to be represented and present evidence and
298 argument at such meeting.

299 (e) Upon the submission of the information required by
300 paragraph (c) and such other information as the requesting state
301 may have or acquire, and upon determining that an expenditure of
302 funds is within the purposes of this compact and justified
303 thereby, the Governing Board or Executive Committee shall
304 authorize support of the program. The Governing Board or
305 Executive Committee may meet at any time or place for the purpose
306 of receiving and considering an application. Any and all
307 determinations of the Governing Board or Executive Committee,
308 with respect to an application, together with the reasons
309 therefore shall be recorded and subscribed in such manner as to
310 show and preserve the votes of the individual members thereof.

311 (f) A requesting state that is dissatisfied with a
312 determination of the Executive Committee shall, upon notice in
313 writing given within 20 days after the determination with which
314 it is dissatisfied, be entitled to receive a review thereof at
315 the next meeting of the Governing Board. Determinations of the
316 Executive Committee shall be reviewable only by the Governing
317 Board at one of its regular meetings or at a special meeting held
318 in such manner as the Governing Board may authorize.

319 (g) Responding states required to undertake or increase

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320 measures pursuant to this compact may receive moneys from the
321 Insurance Fund either at the time or times when such state incurs
322 expenditures on account of such measures or as reimbursement for
323 expenses incurred and chargeable to the Insurance Fund. The
324 Governing Board shall adopt, and from time to time may amend or
325 revise, procedures for submission of claims upon it and for
326 payment thereof.

327 (h) Before authorizing the expenditure of moneys from the
328 Insurance Fund pursuant to an application of a requesting state,
329 the Insurance Fund shall ascertain the extent and nature of any
330 timely assistance or participation that may be available from the
331 Federal Government and shall request the appropriate agency or
332 agencies of the Federal Government for such assistance and
333 participation.

334 (i) The Insurance Fund may negotiate and execute a
335 memorandum of understanding or other appropriate instrument
336 defining the extent and degree of assistance or participation
337 between and among the Insurance Fund, cooperating federal
338 agencies, states, and any other entities concerned.

339 (8) ADVISORY AND TECHNICAL COMMITTEES.--The Governing Board
340 may establish advisory and technical committees composed of
341 state, local, and federal officials and private persons to advise
342 it with respect to any one or more of its functions. Any such
343 advisory or technical committee, or any member or members
344 thereof, may meet with and participate in its deliberations upon
345 request of the Governing Board or Executive Committee. An
346 advisory or technical committee may furnish information and
347 recommendations with respect to any application for assistance
348 from the Insurance Fund being considered by the board or

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349 committee and the board or committee may receive and consider the
350 same; except that any participant in a meeting of the Governing
351 Board or Executive Committee held pursuant to paragraph (7)(d) is
352 entitled to know the substance of any such information and
353 recommendations at the time of the meeting if made prior thereto
354 or as a part thereof or, if made thereafter, no later than the
355 time at which the Governing Board or Executive Committee makes
356 its disposition of the application.

357 (9) RELATIONS AND NONPARTY JURISDICTION.--

358 (a) A party state may make application for assistance from
359 the Insurance Fund with respect to a pest in a nonparty state.
360 Such application shall be considered and disposed of by the
361 Governing Board or Executive Committee in the same manner as an
362 application with respect to a pest within a party state, except
363 as provided in this subsection.

364 (b) At or in connection with any meeting of the Governing
365 Board or Executive Committee held pursuant to paragraph (7)(d), a
366 nonparty state is entitled to appear, participate, and receive
367 information only to such extent as the Governing Board or
368 Executive Committee may provide. A nonparty state is not entitled
369 to review of any determination made by the Executive Committee.

370 (c) The Governing Board or Executive Committee shall
371 authorize expenditures from the Insurance Fund to be made in a
372 nonparty state only after determining that the conditions in such
373 state and the value of such expenditures to the party states as a
374 whole justify them. The Governing Board or Executive Committee
375 may set any conditions that it deems appropriate with respect to
376 the expenditure of moneys from the Insurance Fund in a nonparty
377 state and may enter into such agreement or agreements with

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378 nonparty states and other jurisdictions or entities as it may
379 deem necessary or appropriate to protect the interests of the
380 Insurance Fund with respect to expenditures and activities
381 outside of party states.

382 (10) FINANCE.--

383 (a) The Insurance Fund shall submit to the executive head
384 or designated officer or officers of each party state a budget
385 for the Insurance Fund for such period as may be required by the
386 laws of that party state for a presentation to the Legislature
387 thereof.

388 (b) Each of the budgets shall contain specific
389 recommendations of the amount or amounts to be appropriated by
390 each of the party states. The request for appropriations shall be
391 apportioned among the party states as follows: one-tenth of the
392 total budget in equal shares and the remainder in proportion to
393 the value of agricultural and forest crops and products,
394 excluding animals and animal products, produced in each party
395 state. In determining the value of such crops and products, the
396 Insurance Fund may employ such source or sources of information
397 as in its judgment present the most equitable and accurate
398 comparisons among the party states. Each of the budgets and
399 requests for appropriations shall indicate the source or sources
400 used in obtaining information concerning the value of products.

401 (c) The financial assets of the Insurance Fund shall be
402 maintained in two accounts to be designated respectively as the
403 "Operating Account" and the "Claims Account." The Operating
404 Account shall consist only of those assets necessary for the
405 administration of the Insurance Fund during the next ensuing 2-
406 year period. The Claims Account shall contain all moneys not

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407 included in the Operating Account and may not exceed the amount
408 reasonably estimated to be sufficient to pay all legitimate
409 claims against the Insurance Fund for a period of 3 years. At any
410 time when the Claims Account has reached its maximum limit or
411 would reach its maximum limit by the addition of moneys requested
412 for appropriation by the party states, the Governing Board shall
413 reduce its budget requests on a pro rata basis in such manner as
414 to keep the Claims Account within such maximum limit. Any moneys
415 in the Claims Account by virtue of conditional donations, grants,
416 or gifts shall be included in calculations made pursuant to this
417 paragraph only to the extent that such moneys are available to
418 meet demands arising out of the claims.

419 (d) The Insurance Fund shall not pledge the credit of any
420 party state. The Insurance Fund may meet any of its obligations
421 in whole or in part with moneys available to it under paragraph
422 (5) (g), provided that the Governing Board takes specific action
423 setting aside such moneys prior to incurring any obligation to be
424 met in whole or in part in such manner. Except where the
425 Insurance Fund makes use of moneys available to it under
426 paragraph (5) (g), the Insurance Fund shall not incur any
427 obligation prior to the allotment of moneys by the party states
428 adequate to meet the same.

429 (e) The Insurance Fund shall keep accurate accounts of all
430 receipts and disbursements. The receipts and disbursements of the
431 Insurance Fund shall be subject to the audit and accounting
432 procedures established under its bylaws. However, all receipts
433 and disbursements of funds handled by the Insurance Fund shall be
434 audited yearly by a certified or licensed public accountant and a
435 report of the audit shall be included in and become part of the

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436 annual report of the Insurance Fund.

437 (f) The accounts of the Insurance Fund shall be open at any
438 reasonable time for inspection by duly authorized officers of the
439 party states and by any persons authorized by the Insurance Fund.

440 (11) ENTRY INTO FORCE AND WITHDRAWAL.--

441 (a) This compact shall enter into force when enacted into
442 law by any five or more states. Thereafter, this compact shall
443 become effective as to any other state upon its enactment
444 thereof.

445 (b) Any party state may withdraw from this compact by
446 enacting a statute repealing the same, but no such withdrawal
447 shall take effect until 2 years after the executive head of the
448 withdrawing state has given notice in writing of the withdrawal
449 to the executive heads of all other party states. No withdrawal
450 shall affect any liability already incurred by or chargeable to a
451 party state prior to the time of such withdrawal.

452 (12) CONSTRUCTION AND SEVERABILITY.--This compact shall be
453 liberally construed so as to effectuate the purposes thereof. The
454 provisions of this compact are severable and if any phrase,
455 clause, sentence, or provision of this compact is declared to be
456 contrary to the constitution of any state or of the United States
457 or the applicability thereof to any government, agency, person,
458 or circumstance is held invalid, the validity of the remainder of
459 this compact and the applicability thereof to any government,
460 agency, person, or circumstance shall not be affected thereby. If
461 this compact is held contrary to the constitution of any state
462 participating herein, the compact shall remain in full force and
463 effect as to the remaining party states and in full force and
464 effect as to the state affected as to all severable matters.

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Section 2. This act shall take effect upon becoming a law.