

## FOR CONSIDERATION 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.