

1987

Session Law 87-182

Florida Senate & House of Representatives

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FLORIDA LEGISLATURE

***History of Legislation
1987 Regular Session
1987 Special Session A***



prepared by:

Joint Legislative Management Committee

Legislative Information Division
Capitol Building, Room 826 — 488-4371

HISTORY OF HOUSE BILLS

H 493 (CONTINUED)

04/07/87 HOUSE Introduced, placed on Calendar -HJ 47
 04/21/87 HOUSE Placed on Special Order Calendar
 04/22/87 HOUSE Read second time -HJ 215
 04/23/87 HOUSE Read third time, Passed, YEAS 110 NAYS 0 -HJ 228
 04/27/87 SENATE In Messages
 04/30/87 SENATE Received, referred to Agriculture, Governmental Operations -SJ 244
 05/01/87 SENATE Extension of time granted Committee Agriculture
 05/13/87 SENATE Withdrawn from Agriculture, Governmental Operations, Substituted for SB 696, Passed; YEAS 39 NAYS 0 -SJ 316
 Ordered enrolled
 05/19/87 Signed by Officers and presented to Governor -HJ 552
 05/20/87 Approved by Governor, Chapter No 87-49 -HJ 703
 05/26/87

H 494 GENERAL BILL/ENG by Agriculture; Mitchell and others (Similar CS/S 212)

Plant Industry/Inspection & Control; clarifies definition of "plants & plant products", provides for cooperative arrangements for inspection, control, & eradication purposes, clarifies provisions re movement of citrus plants & plant products, requires possession of permit when transporting, selling, or offering for sale certain plants harvested from one's own property Amends 581 011, 031, 182, 185 Effective Date 10/01/87
 03/12/87 HOUSE Prefiled
 03/20/87 HOUSE Placed on Calendar
 04/07/87 HOUSE Introduced, placed on Calendar -HJ 47
 04/27/87 HOUSE Placed on Special Order Calendar, Read second time, Amendment adopted -HJ 276
 04/28/87 HOUSE Read third time, Amendment adopted, Passed as amended, YEAS 119 NAYS 0 -HJ 287, Immediately certified -HJ 287
 04/28/87 SENATE In Messages
 04/30/87 SENATE Received, referred to Agriculture -SJ 245, Immediately withdrawn from Agriculture; Substituted for CS/SB 212; Passed, YEAS 38 NAYS 0 -SJ 249
 Ordered enrolled
 05/06/87 Signed by Officers and presented to Governor -HJ 421
 05/12/87 Approved by Governor, Chapter No 87-32 -HJ 522
 05/19/87

H 495 GENERAL BILL by Agriculture; Mitchell and others (Identical S 171)

Boll Weevil Eradication Law, establishes said law, provides authority of Agriculture & Consumer Services Dept to enter premises, carry out eradication activities & make inspections, provides for quarantine & movement of cotton, authorizes dept to designate eradication zones; provides for assessment of penalty fees against noncomplying cotton growers; provides authority to regulate pasturage & honeybee colony location in eradication zone, etc Effective Date 05/29/87
 03/12/87 HOUSE Prefiled
 03/20/87 HOUSE Referred to Appropriations
 04/07/87 HOUSE Introduced, referred to Appropriations -HJ 47, On Committee agenda—Appropriations, 04/09/87, 3:30 pm, 21 HOB
 04/10/87 HOUSE Comm Report. Favorable by Appropriations, placed on Calendar -HJ 122
 04/27/87 HOUSE Placed on Special Order Calendar
 04/28/87 HOUSE Read second time -HJ 290
 04/29/87 HOUSE Read third time, Passed, YEAS 115 NAYS 0 -HJ 306
 05/04/87 SENATE In Messages
 05/13/87 SENATE Received, referred to Agriculture, Finance, Taxation and Claims, Appropriations -SJ 297
 05/15/87 SENATE Extension of time granted Committee Agriculture
 05/19/87 SENATE Withdrawn from Agriculture, Finance, Taxation and Claims, Appropriations, Substituted for SB 171, Passed, YEAS 36 NAYS 0 -SJ 337
 Ordered enrolled
 05/20/87 Signed by Officers and presented to Governor -HJ 567
 05/22/87 Approved by Governor, Chapter No 87-55 -HJ 1070
 05/29/87

H 496 GENERAL BILL by Agriculture; Mitchell; Harris and others (Identical S 485)

Commercial Feed Law/Revision, expands label requirements to include certain minerals & exempts certain dating requirements, clarifies provisions re sampling of feeds exempted from inspection fees, provides for payment of certain analysis fees out of General Inspection Trust Fund; provides procedure upon challenge of microscopic determination, provides for per diem & travel expenses for members of Commercial Feed Technical Council, etc Amends 580 051, 091, 131, 151 Effective Date 10/01/87
 03/12/87 HOUSE Prefiled
 03/20/87 HOUSE Referred to Finance & Taxation
 04/07/87 HOUSE Introduced, referred to Finance & Taxation -HJ 47
 04/15/87 HOUSE Withdrawn from Finance & Taxation -HJ 137, Placed on Calendar
 04/27/87 HOUSE Placed on Special Order Calendar
 04/28/87 HOUSE Read second time -HJ 290
 04/29/87 HOUSE Read third time, Passed, YEAS 110 NAYS 0 -HJ 306
 05/04/87 SENATE In Messages
 05/13/87 SENATE Received, referred to Agriculture, Appropriations -SJ 298

H 496 (CONTINUED)

05/15/87 SENATE Extension of time granted Committee Agriculture
 05/27/87 SENATE Withdrawn from Agriculture; Appropriations, Substituted for SB 465, Passed, YEAS 36 NAYS 0 -SJ 442
 Ordered enrolled
 05/27/87 Signed by Officers and presented to Governor -HJ 1066
 06/02/87 Approved by Governor, Chapter No 87-81
 06/15/87

H 497 GENERAL BILL by Agriculture; Mitchell and others (Identical S 214)

Honeybees/Eradication & Control; provides authority for eradication & control of honeybee pests & unwanted races of honeybees, revises cooperative arrangements pertaining to pest control or eradication, provides option to destruction of infested or infected regulated articles Amends 570 32, 586 10, 13 Effective Date 10/01/87
 03/12/87 HOUSE Prefiled
 03/20/87 HOUSE Placed on Calendar
 04/07/87 HOUSE Introduced, placed on Calendar -HJ 47
 04/21/87 HOUSE Placed on Special Order Calendar
 04/22/87 HOUSE Read second time -HJ 215
 04/23/87 HOUSE Read third time, Passed, YEAS 117 NAYS 0 -HJ 229
 04/27/87 SENATE In Messages
 04/30/87 SENATE Received, referred to Agriculture -SJ 244
 05/01/87 SENATE Extension of time granted Committee Agriculture
 05/15/87 SENATE Extension of time granted Committee Agriculture
 05/29/87 SENATE Extension of time granted Committee Agriculture
 06/06/87 SENATE Died in Committee on Agriculture, Iden/Sim/Compare bill passed, refer to SB 214 (Ch 87-17)

H 498 GENERAL BILL/ENG by Agriculture; Mitchell; C.F Jones and others (Similar CS/S 220)

Citrus Code/General Revision, provides additional powers of Citrus Dept.; requires proof for excise tax exemption, authorizes Agric & Consumer Serv Dept to make rules re analysis of processing materials, certification of dyes & coloring matter for citrus fruit prior to use, authorizes Agric & Consumer Serv Dept to, by rule, require bonding re manufacturers of coloring matter used on citrus fruit, etc Amends Ch 601, repeals 601 14, 1515, 158, 159, 81, 9913(8), 9917 Effective Date 08/01/87
 03/12/87 HOUSE Prefiled
 03/20/87 HOUSE Referred to Finance & Taxation
 04/07/87 HOUSE Introduced, referred to Finance & Taxation -HJ 47
 04/15/87 HOUSE Withdrawn from Finance & Taxation -HJ 137, Placed on Calendar
 04/27/87 HOUSE Placed on Special Order Calendar
 04/28/87 HOUSE Read second time -HJ 290, Amendments adopted -HJ 290
 04/29/87 HOUSE Read third time, Passed as amended, YEAS 117 NAYS 0 -HJ 307
 05/04/87 SENATE In Messages
 05/12/87 SENATE Received, referred to Appropriations -SJ 281, Immediately withdrawn from Appropriations, Substituted for CS/SB 220, Passed, YEAS 30 NAYS 0 -SJ 286
 Ordered enrolled
 05/13/87 Signed by Officers and presented to Governor -HJ 470
 05/15/87 Approved by Governor, Chapter No 87-44 -HJ 570
 05/21/87

H 499 GENERAL BILL/ENG by Agriculture; Mitchell; Bronson and others (Similar CS/S 215)

Citrus/Excise Tax Extension, removes 1987 repeal of 581 193, F S re excise tax on citrus nursery stock & repeals said section effective 07/01/88, extends for 1 year such tax on citrus which is deposited in Florida Citrus Canker Trust Fund, revises said tax, provides conditional retroactivity Amends 581 193 Effective Date 07/01/87 except as otherwise provided
 03/12/87 HOUSE Prefiled
 03/20/87 HOUSE Referred to Finance & Taxation, Appropriations
 04/07/87 HOUSE Introduced, referred to Finance & Taxation; Appropriations -HJ 47
 05/04/87 HOUSE Withdrawn from Finance & Taxation -HJ 344, Now in Appropriations
 05/15/87 HOUSE On Committee agenda—Appropriations, 05/19/87, 8:00 am, 21 HOB
 05/19/87 HOUSE Comm Report Favorable with 1 amendment(s) by Appropriations, placed on Calendar -HJ 489
 05/28/87 HOUSE Placed on Special Order Calendar
 06/01/87 HOUSE Read second time, Amendment adopted, Read third time, Passed as amended, YEAS 112 NAYS 0 -HJ 891
 06/01/87 SENATE In Messages
 06/02/87 SENATE Received, referred to Finance, Taxation and Claims, Appropriations -SJ 572, Immediately withdrawn from Finance, Taxation and Claims, Appropriations, Substituted for CS/SB 215, Passed, YEAS 35 NAYS 1 -SJ 596
 Ordered enrolled
 06/02/87 Signed by Officers and presented to Governor
 06/16/87 Approved by Governor, Chapter No 87-182
 06/30/87

H 500 LOCAL BILL/ENG by Holland

Hardee County/Hospital District Bd., authorizes Hospital District Board to transfer & convey title to capital facilities of Hardee Memorial Hospital to non-profit corporation under certain conditions, provides for dissolution & reestablishment (CONTINUED ON NEXT PAGE)

HISTORY OF SENATE BILLS

S 209 (CONTINUED)

06/04/87 SENATE Amendments to House amendments adopted -SJ 721, Concurrred in House amendments as amended, Requested House to concur, Passed as amended, YEAS 37 NAYS 0 -SJ 722

06/04/87 HOUSE In Messages, Refused to concur in Senate amendments to House amendments, Amendments to House amendments adopted, Requested Senate to concur, Passed as further amended, YEAS 116 NAYS 0 -HJ 1192

06/05/87 HOUSE Reconsidered -HJ 1272, Amendments to House amendments withdrawn, Motion to not concur in Senate amendments reconsidered, Amendments to Senate amendments to House amendments adopted, Concurrred in Senate amendments to House amendments as amended, Passed as further amended, YEAS 113 NAYS 0 -HJ 1276

06/05/87 SENATE In Messages, Message was taken up -SJ 872, Concurrred, Passed as amended, YEAS 38 NAYS 0 -SJ 875

06/05/87 Ordered engrossed, then enrolled -SJ 875

06/29/87 Signed by Officers and presented to Governor

07/14/87 Approved by Governor, Chapter No. 87-363

S 210 GENERAL BILL/CS by Transportation; Jennings (Similar CS/ENG/H 277)

Transportation Contracts/Design, allows DOT to enter into contracts which combine design & construction of road, structure, or building & appurtenant facilities or equipment, provides factors for determining best interest of public, provides procedures for administering design & construction contracts, provides criteria for evaluating contract proposals, requires projects to be in 5-year plan, sets limit on annual contract amount, etc Amends 337 II Effective Date 07/01/87 or upon becoming law, whichever occurs later

02/05/87 SENATE Prefiled

03/02/87 SENATE Referred to Transportation, Appropriations

04/07/87 SENATE Introduced, referred to Transportation, Appropriations -SJ 22, On Committee agenda—Transportation, 04/08/87, 2:00 pm, Room-C

04/08/87 SENATE Comm Report. CS by Transportation -SJ 68

04/10/87 SENATE CS read first time -SJ 76, Now in Appropriations -SJ 68

05/06/87 SENATE Withdrawn from Appropriations -SJ 260, Placed on Calendar

05/28/87 SENATE Placed on Special Order Calendar -SJ 452, Amendments adopted -SJ 478, Iden /Sim House Bill substituted, Laid on Table under Rule, Iden /Sim /Compare Bill passed, refer to CS/HB 277 (Ch 87-162) -SJ 479

S 211 GENERAL BILL by McPherson (Identical H 139, Similar ENG/H 42, Compare S 172, CS/ENG/S 468, S 549, S 648)

Greyhound Racing & Jai Alai/Minors, permits minors to attend greyhound dog-races & jai alai exhibitions under certain circumstances, prohibits minors from placing wagers, etc Creates 550 051, 551 115, amends 550 04, 551 12 Effective Date Upon becoming law

02/05/87 SENATE Prefiled

03/02/87 SENATE Referred to Commerce

04/07/87 SENATE Introduced, referred to Commerce -SJ 22

04/21/87 SENATE Extension of time granted Committee Commerce

05/08/87 SENATE Extension of time granted Committee Commerce

05/25/87 SENATE Extension of time granted Committee Commerce

06/06/87 SENATE Died in Committee on Commerce, Iden /Sim /Compare bill passed, refer to CS/SB 468 (Ch 87-406)

S 212 GENERAL BILL/CS by Agriculture; Peterson (Similar ENG/H 494)

Plant Industry/Inspection & Control, clarifies definition of "plants & plant products", provides for cooperative arrangements for inspection, control, & eradication purposes, clarifies provisions re movement of citrus plants & plant products, requires possession of permit when transporting, selling, or offering for sale certain plants harvested from one's own property Amends 581 011, 031, 182, 185 Effective Date: 10/01/87

02/05/87 SENATE Prefiled

03/02/87 SENATE Referred to Agriculture

04/07/87 SENATE Introduced, referred to Agriculture -SJ 22

04/10/87 SENATE On Committee agenda—Agriculture, 04/14/87, 2 00 pm, Room-B

04/14/87 SENATE Comm Report CS by Agriculture, placed on Calendar -SJ 113

04/16/87 SENATE CS read first time -SJ 113

04/28/87 SENATE Placed on Special Order Calendar -SJ 195

04/30/87 SENATE Placed on Special Order Calendar -SJ 232, Iden /Sim House Bill substituted, Laid on Table under Rule, Iden / Sim /Compare Bill passed, refer to HB 494 (Ch 87-32) -SJ 249

S 213 GENERAL BILL by Peterson (Similar H 14)

Retirement/Credit Claiming, revises criteria for claiming of credit under State & County Officers & Employees Retirement System as seasonal state employee Amends 122 07 Effective Date 05/18/87

02/05/87 SENATE Prefiled

03/02/87 SENATE Referred to Personnel, Retirement and Collective Bargaining, Appropriations

S 213 (CONTINUED)

04/07/87 SENATE Introduced, referred to Personnel, Retirement and Collective Bargaining, Appropriations -SJ 22, On Committee agenda—Personnel, Retirement and Collective Bargaining, 04/08/87, 9 00 am, Room-C

04/08/87 SENATE Comm Report. Favorable by Personnel, Retirement and Collective Bargaining -SJ 68, Now in Appropriations -SJ 68

04/21/87 SENATE Withdrawn from Appropriations -SJ 131, Placed on Calendar

04/28/87 SENATE Placed on Special Order Calendar -SJ 195

04/30/87 SENATE Placed on Special Order Calendar -SJ 232, Passed, YEAS 38 NAYS 0 -SJ 248

05/06/87 SENATE Immediately certified -SJ 260

05/06/87 HOUSE In Messages, Received, placed on Calendar -HJ 368, Substituted for HB 14 -HJ 368, Read second time, Read third time, Passed, YEAS 114 NAYS 1 -HJ 369

05/07/87 Ordered enrolled -SJ 285

05/11/87 Signed by Officers and presented to Governor -SJ 291

05/18/87 Approved by Governor, Chapter No. 87-29 -SJ 346

S 214 GENERAL BILL by Peterson (Identical H 497)

Honeybee Eradication & Control, provides authority for eradication & control of honeybee pests & unwanted races of honeybees, revises cooperative arrangements pertaining to pest control or eradication, provides option to destruction of infested or infected regulated articles Amends 570 32, 586 10, 13 Effective Date 10/01/87.

02/05/87 SENATE Prefiled

03/02/87 SENATE Referred to Agriculture

04/07/87 SENATE Introduced, referred to Agriculture -SJ 22

04/10/87 SENATE On Committee agenda—Agriculture, 04/14/87, 2 00 pm, Room-B

04/14/87 SENATE Comm Report Favorable by Agriculture, placed on Calendar -SJ 80

04/21/87 SENATE Placed on Special Order Calendar -SJ 125, Passed, YEAS 37 NAYS 0 -SJ 134

04/23/87 HOUSE In Messages

04/27/87 HOUSE Received, placed on Calendar -HJ 271, Read second time, Read third time, Passed, YEAS 113 NAYS 0 -HJ 271

04/28/87 Ordered enrolled -SJ 223

05/04/87 Signed by Officers and presented to Governor -SJ 269

05/07/87 Approved by Governor, Chapter No. 87-17 -SJ 280

S 215 GENERAL BILL/CS by Agriculture; Crawford (Similar ENG/H 499)

Citrus/Excise Tax Extension, removes 1987 repeal of 581 193, F S re excise tax on citrus nursery stock & repeals said section effective 07/01/88, extends for 1 year such tax on citrus which is deposited in Florida Citrus Canker Trust Fund, revises said tax, provides conditional retroactivity Effective Date. 07/01/87 or upon becoming law, whichever occurs later

02/05/87 SENATE Prefiled

03/02/87 SENATE Referred to Agriculture, Finance, Taxation and Claims, Appropriations, On Committee agenda—Agriculture, 03/03/87, 2.00 pm, Room-B

03/03/87 SENATE Comm Report CS by Agriculture, Now in Finance, Taxation and Claims

04/07/87 SENATE Introduced, referred to Agriculture, Finance, Taxation and Claims, Appropriations -SJ 22, Comm Report. CS by Agriculture -SJ 62, CS read first time -SJ 61, Now in Finance, Taxation and Claims -SJ 62

04/16/87 SENATE On Committee agenda—Finance, Taxation and Claims, 04/20/87, 2 00 pm, Room-1C

04/20/87 SENATE Comm Report Favorable by Finance, Taxation and Claims -SJ 125

04/21/87 SENATE Now in Appropriations -SJ 125

05/06/87 SENATE Extension of time granted Committee Appropriations

05/21/87 SENATE Extension of time granted Committee Appropriations

05/27/87 SENATE On Committee agenda—Appropriations, 05/28/87, 1 00 pm, Room-A -SJ 446

05/28/87 SENATE Comm Report Favorable with 1 amendment(s) by Appropriations, placed on Calendar -SJ 499

06/02/87 SENATE Placed on Special Order Calendar -SJ 571, Amendment adopted, Iden /Sim House Bill substituted, Laid on Table under Rule, Iden /Sim /Compare Bill passed, refer to HB 499 (Ch 87-182) -SJ 596

S 216 GENERAL BILL/CS by Economic, Community and Consumer Affairs, Hollingsworth (Similar CS/H 138)

Chiropractors/Vitamin Injections, provides that certified chiropractic physicians may administer injectable vitamins, provides definition of chiropractic formula, provides for formula of authorized injectable vitamins & provides for committee for submission thereof, revises requirement that certain chiropractic physicians must be certified to use certain procedures Amends 460 403, 413 Effective Date 10/01/87

02/05/87 SENATE Prefiled

03/02/87 SENATE Referred to Economic, Community and Consumer Affairs, Health and Rehabilitative Services

Date: February 5, 1987
Revised: March 9, 1987
Final: June 16, 1987

HOUSE OF REPRESENTATIVES
COMMITTEE ON AGRICULTURE
STAFF ANALYSIS

BILL #: HB 499 (PCB AG 87-24)
RELATING TO: Citrus canker funding
SPONSOR(S): Committee on Agriculture, Mitchell & others
EFFECTIVE DATE: July 1, 1987
COMPANION BILL(S): SB 215 by Senator Crawford
OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2) Finance & Taxation

I. SUMMARY:

- A. Current Law & Present Situation: For FY 1986-87, the 1986 legislature appropriated \$4.2 million from the General Revenue Fund and \$2.1 million from the Citrus Canker Trust Fund to fund canker eradication. The \$1 million financial assistance program (indemnification) ended February 1, 1986.

Revenue sources for the Citrus Canker Trust Fund for FY 1986-87 were as follows:

\$1.00/plant tax on dooryard sales (expires 7/1/90)

10¢/plant tax on citrus nursery stock/commercial producer sales (expires 7/1/87)

1.5¢/box tax on citrus fruit, excluding lemons, limes (expires 7/1/87)

- B. Effect of Proposed Changes: The intent of this bill is to fund canker eradication for FY 1987-88, using the 1/3, 2/3 formula developed last year.

1. One-third of the Department of Agriculture and Consumer Services' canker appropriation to be funded from collections from the \$1.00/tree dooryard tax; the 10¢/tree nursery stock tax (bill would continue the tax one more year at the same rate); and a \$____/box citrus tax (rate to be determined).

2. Two-thirds of the Department of Agriculture and Consumer Services' appropriation to be paid from General Revenue.

The Department of Agriculture and Consumer Services' proposed canker funding budget for FY 1987-88 is \$6,758,256. As was the case with the canker funding bill in 1986, the rate for

the box tax has been left blank until the appropriations process establishes revenue requirements for the industry's contribution.

II. ECONOMIC IMPACT: If the three taxes (dooryard, nursery stock, box) are continued at current rates, they are expected to generate revenue during FY 1987-88 in amounts greater than the \$2.23 million required using the 1/3 industry:2/3 general revenue formula. Using the current rates, projected revenue from the canker taxes for 1987-88 would be as follows:

\$1.00 dooryard tax:	\$ 200,000
10¢ nursery stock tax:	353,000
1.5¢ per box tax:	<u>2,840,000</u> (based on total crop estimate of 189.2 million boxes)
TOTAL	\$3,393,000

Current budget projections show a cash balance in the Citrus Canker Trust Fund of \$2,282,006 at the end of this 1986-87 fiscal year. This ending balance would be adequate to fund the industry's 1/3 share in the FY 1987-88 budget and no new industry taxes (current taxes expire) would be necessary, provided General Revenue funds are appropriated to fund the balance required by the Department of Agriculture and Consumer Services. Such an appropriation would make this bill unnecessary. The breakdown for Citrus Canker Trust Fund FY 1986-87 receipts and expenditures is as follows:

Federal Government	\$1,516,157
1.5¢/box tax	2,769,630
10¢/tree tax	353,730
<u>\$1.00/tree tax</u>	<u>59,888</u>
Total Receipts	\$4,699,405
Beginning Cash	<u>148,247</u>
Total Available	\$4,847,652
Less eradication costs	2,132,313
<u>Less financial ass't payments</u>	<u>433,333</u>
Cash Balance	\$2,282,006

III. STATE COMPREHENSIVE PLAN IMPACT:

None

IV. COMMENTS:

This bill is proposed to serve as a vehicle once the appropriation level is decided in the Appropriations Committee.

V. AMENDMENTS:

None

VI. FINAL DISPOSITION:

Enacted Bill #: HB 499
Chapter (87-), Laws of Florida
Effective Date: July 1, 1987

A. Summary: This bill was withdrawn from the Finance & Tax Committee, amended in the Appropriations Committee to set the box tax amount, and passed by the Legislature.

B. Economic Impact Changes: The reduction in the amount of the box tax was due to increased sales of dooryard trees and nursery stock. As those taxes generated more dollars than anticipated, the box tax on fruit was lowered from 1.5 cent/box to \$.001/box. The \$.001/box will provide a cushion of approximately \$350,000 in case of emergency. The box tax will expire on July 31, 1988 and the tree tax on July 1, 1988.

C. Comments:

VII. PREPARED BY:

Susan Reese

VIII. STAFF DIRECTOR:

John E. ...

Section 2. Section 581.193, Florida Statutes, as created by chapter 85-263 and amended by chapter 86-98, Laws of Florida, is hereby repealed, effective July 1, 1988.

Section 3. Effective August 1, 1987, subsection (1) of section 2 of chapter 86-128, Laws of Florida, is amended to read:

Section 2. Excise tax on citrus fruit.--

(1) For the period commencing August 1, ~~1987~~ 1986, and ending July 31, ~~1988~~ 1987, there is hereby levied and imposed an excise tax of \$.001 ~~\$.015~~ on each standard packed box of citrus fruit, as defined in s. 601.03(7), Florida Statutes, grown and placed into the primary channel of trade in this state. The tax shall stand repealed July 31, ~~1988~~ 1987. All excise taxes levied under this section shall be collected by the Division of Fruit and Vegetable Inspection of the Department of Agriculture and Consumer Services, and shall be placed into the State Treasury on or before the first day of every month and deposited into the Florida Citrus Canker Trust Fund. Any interest earnings accruing on moneys deposited in the fund under this section shall be credited to the fund and no service charge to any such moneys deposited in the fund, including interest earnings, shall be deducted for payment into the General Revenue Fund.

Section 4. Except as otherwise provided herein, this act shall take effect July 1, 1987, or upon becoming a law, whichever occurs later, and, if this act does not become a law prior to July 1, 1987, shall operate retroactively to that date.

Approved by the Governor June 30, 1987

Filed in Office Secretary of State June 30, 1987

Additions in text are indicated by underlines; deletions by ~~strikethroughs~~.

Section 4. Section 633.60, Florida Statutes, is repealed on October 1, 1995, and shall be reviewed by the Legislature prior to that date pursuant to section 11.61, Florida Statutes.

Section 5. This act shall take effect October 1, 1987.

Approved by the Governor June 30, 1987.

Filed in Office Secretary of State June 30, 1987.

CITRUS—EXCISE TAX

CHAPTER 87-182

HOUSE BILL NO. 499

A bill to be entitled

An act relating to citrus; amending s. 10 of chapter 85-283, Laws of Florida; removing the 1987 repeal of s. 581.193, F.S., relating to an excise tax on citrus nursery stock, and repealing said section effective July 1, 1988; amending s. 2 of chapter 86-128, Laws of Florida; extending for 1 year an excise tax on citrus which is deposited in the Florida Citrus Canker Trust Fund; revising said tax; providing effective dates.

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

Section 1. Section 10 of chapter 85-283, Laws of Florida, is amended to read:

Section 10. Section 6 of this act is repealed on July 1, 1990. Section ~~Sections 7 and 8~~ of this act is ~~are~~ repealed on July 1, 1987.

Additions in text are indicated by underline; deletions by ~~strike~~.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Merritt <i>mm</i>	Sumner <i>ES</i>	1. AG	Fav/CS
2. _____	_____	2. FTC	_____
3. _____	_____	3. AP	_____
4. _____	_____	4. _____	_____

SUBJECT:

Citrus Canker Funding.

BILL NO. AND SPONSOR:

CS/SB 215 by
Senate Committee on Agriculture
and Senator Crawford

I. SUMMARY:

A. Present Situation:

Chapter 85-283, Laws of Florida, provided a \$1 excise tax on each citrus plant sold for "dooryard" use to help fund the citrus canker eradication program. This tax is scheduled for repeal July 1, 1990. The law created a 10 cent per tree tax on all citrus nursery stock plants, including limes and lemons, to help fund the citrus canker eradication program but excluded inter-company sales. All such taxes collected prior to July 1, 1986, were deposited in the General Revenue Fund. After that date, they are to be deposited in the Florida Citrus Canker Trust Fund. The provision for such excise taxes on citrus nursery stock is to be repealed as of July 1, 1987. An appropriation was provided to the Department of Agriculture and Consumer Services for eradication of citrus canker in the law. It also created the Florida Citrus Canker Trust Fund and specified the application of such funds.

Chapter 86-98, Laws of Florida, amends s. 581.193, to revise and extend application of the excise tax of 10 cents per plant on citrus nursery stock, including limes and lemons, to include movement, distribution or offer for sale or distribution of citrus nursery stock to a commercial citrus fruit producer by a nurseryman. It also removed an exemption for intercompany sales between members of an affiliated group. The Department of Agriculture and Consumer Services was given rulemaking authority with respect to the tax imposed under this law. If the revenue generated from this tax is not needed for citrus canker eradication, the funds are to be used to reimburse moneys appropriated from an earlier appropriation for the Citrus Advertising Trust Fund and the General Revenue Fund. The law became effective July 1, 1986.

Chapter 86-128, Laws of Florida, imposed an excise tax on citrus of \$.015-per-standard-packed-box for a one-year period beginning August 1, 1986 with the proceeds to be deposited in the Florida Citrus Canker Trust Fund. It also directed the Department of Agriculture and Consumer Services to adopt rules regulating certain activities as necessary for the control of citrus canker, and specified that such rules provide for the conduct of such activities subject to a voluntary destruction agreement.

B. Effect of Proposed Changes:

The bill extends the provision for a 10 cent per tree tax on all citrus nursery stock, plants, including limes and lemons, until July 1, 1988, by repealing the repealer date of July 1, 1987. It retains section 8 of chapter 85-283 (which provided for an appropriation to the Department of Agriculture and

Consumer Services in order to fund citrus canker programs) and continues July 1, 1987, as its effective date for repeal.

The bill also amends 86-128, Laws of Florida, to extend until July 31, 1988, the excise tax imposed on the sale of citrus fruit. As was the case with the canker funding bill last year, the rate for the box tax has been left blank until the legislative appropriation's process establishes revenue requirements for the citrus industry's contribution. Depending on these requirements, passage of this bill may or may not be necessary.

Since section 1 of this bill repeals a repealer clause, and could be construed as falling under the confines of s. 2.04, Florida Statutes, relating to the repealing of a former statute, a retroactive provision is made in section 4 of the bill as it relates to the effective date. Because there is a distinction between "taking effect" and "becoming a law," it is felt that there could be a period of time between the current repeal date of July 1, 1987 and the effective date of this bill in which legal authorization to collect the excise tax on citrus nursery stock may not be covered. It is for this reason that a conditional retroactive operation provision is made in the effective date section of the bill.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

If the three taxes as previously mentioned continue at current rates, they are expected to generate revenue during FY 1987-88 in amounts greater than the \$2.23 million required using the one-third/two thirds formula.

Projected revenues would come from the following sources at the rates as listed:

Estimated:		
\$1 dooryard tax:	\$	200,000
10 cents nursery stock tax:		353,000
1.5 cents per box tax:		2,840,000 (based on total crop estimate of 189.2 million boxes)
TOTAL		<u>\$3,393,000</u>

Current budget projections show a cash balance in the Citrus Canker Trust Fund of \$2,282,006 at the end of this 1986-87 fiscal year. This ending balance would be adequate to fund the industry's one third share in the FY 1987-88 budget and no new industry taxes (current taxes expire) would be necessary, provided General Revenue funds are appropriated to fund the balance required by the Department of Agriculture and Consumer Services. Such an appropriation would make this bill unnecessary. The breakdown for Citrus Canker Trust Fund FY 1986-87 receipts and expenditures is as follows:

Federal Government	\$1,516,157
1.5 cents per box tax	2,769,630
10 cents per tree tax	353,730
\$1.00 tree tax	59,888
Total Estimated 86-87 Receipts	<u>\$4,699,405</u>
Beginning Cash	148,247
Total Available	<u>\$4,847,652</u>

Less:	
1986-87 Appropriation for Eradication	2,132,313
1986-87 Appropriation for Financial Assistance	<u>433,333</u>
Estimated Cash Balance 7/1/87	\$2,282,006

B. Government:

The Department of Agriculture and Consumer Services is requesting for FY 1987-88 \$6,758,256 for use in eradication of citrus canker. Using the formula funded by the Legislature last year, two-thirds of the department's request will be paid from General Revenue Funds.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Merritt</u>	<u>Sumner</u>	1. <u>AG</u>	<u>Fav/CS</u>
2. <u>Mauldin</u>	<u>Beggs</u>	2. <u>FTC</u>	<u>Favorable</u>
3. <u>Barrett</u> <i>TB</i>	<u>Smith</u> <i>yes</i>	3. <u>AP</u>	<u>Fav/1 Amend.</u>
4. _____	_____	4. _____	_____

SUBJECT:

Citrus Canker Funding

BILL NO. AND SPONSOR:

CS/SB 215 by
Agriculture and Senator
Crawford

I. SUMMARY:

A. Present Situation:

Chapter 85-283, Laws of Florida, provided a \$1 excise tax on each citrus plant sold for "dooryard" use to help fund the citrus canker eradication program. This tax is scheduled for repeal July 1, 1990. The law created a 10 cent per tree tax on all citrus nursery stock plants, including limes and lemons, to help fund the citrus canker eradication program but excluded inter-company sales. All such taxes collected prior to July 1, 1986, were deposited in the General Revenue Fund. After that date, they are to be deposited in the Florida Citrus Canker Trust Fund. The provision for such excise taxes on citrus nursery stock is to be repealed as of July 1, 1987. An appropriation was provided to the Department of Agriculture and Consumer Services for eradication of citrus canker in the law. It also created the Florida Citrus Canker Trust Fund and specified the application of such funds.

Chapter 86-98, Laws of Florida, amends s. 581.193, F.S., to revise and extend application of the excise tax of 10 cents per plant on citrus nursery stock, including limes and lemons, to include movement, distribution or offer for sale or distribution of citrus nursery stock to a commercial citrus fruit producer by a nurseryman. It also removed an exemption for intercompany sales between members of an affiliated group. The Department of Agriculture and Consumer Services was given rulemaking authority with respect to the tax imposed under this law. If the revenue generated from this tax is not needed for citrus canker eradication, the funds are to be used to reimburse moneys appropriated from an earlier appropriation for the Citrus Advertising Trust Fund and the General Revenue Fund. The law became effective July 1, 1986.

Chapter 86-128, Laws of Florida, imposed an excise tax on citrus of \$.015 per standard-packed-box for a one-year period beginning August 1, 1986 with the proceeds to be deposited in the Florida Citrus Canker Trust Fund. It also directed the Department of Agriculture and Consumer Services to adopt rules regulating certain activities as necessary for the control of citrus canker, and specified that such rules provide for the conduct of such activities subject to a voluntary destruction agreement.

B. Effect of Proposed Changes:

The intent of this bill is to fund canker eradication for FY 1987-88. The bill extends the provision for a 10 cent per tree tax on all citrus nursery stock, plants, including limes and lemons, until July 1, 1988, by repealing the repealer date of July 1, 1987. It retains section 8 of chapter 85-283 (which provided for an appropriation to the Department of Agriculture

and Consumer Services in order to fund citrus canker programs) and continues July 1, 1987, as its effective date for repeal.

The bill also amends Chapter 86-128, Laws of Florida, to extend until July 31, 1988, the excise tax imposed on the sale of citrus fruit. As was the case with the canker funding bill last year, the rate for the box tax has been left blank until the legislative appropriation process establishes revenue requirements for the citrus industry's contribution.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The Department of Citrus projects that there will be approximately \$1,001,968 in excess canker tax revenues by June 30, 1987; therefore, this amount applied towards the industry's one-third share of \$1,747,366 would result in a balance of approximately \$745,398 to be raised with industry taxes. This can be accomplished with a decreased per box tax of \$.001, vs. the \$.015 rate in the current year.

B. Government:

The Department of Agriculture and Consumer Services is requesting for FY 1987-88, \$6,758,256 for use in eradication of citrus canker. Of this amount, \$1,516,157 is anticipated to be received from the federal government. Using the formula funded by the Legislature last year, two-thirds of the remaining amount will be funded from the General Revenue Fund, and one-third from funds raised by this bill.

III. COMMENTS:

Since section 1 of this bill repeals a repealer clause, and could be construed as falling under the confines of s. 2.04, F.S., relating to the repealing of a former statute, a retroactive provision is made in section 4 of the bill as it relates to the effective date. Because there is a distinction between "taking effect" and "becoming a law," it is felt that there could be a period of time between the current repeal date of July 1, 1987 and the effective date of this bill in which legal authorization to collect the excise tax on citrus nursery stock may not be covered. It is for this reason that a conditional retroactive operation provision is made in the effective date section of the bill. If this act does not become a law prior to July 1, 1987, Sections 1 and 2 shall operate retroactively to that date.

Staff has prepared an amendment to fill in the blank in the bill. The amount to be placed in the blank is \$.001, which is the amount estimated by the Department of Citrus as being needed, along with unexpended 1986-87 revenues, to provide the Citrus Industry's one-third share of citrus canker eradication funding.

IV. AMENDMENTS:

#1 by Appropriations

Provides for an excise tax amount of \$.001 per box of citrus fruit.