Session Law 89-011

Florida Senate & House of Representatives

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H 842 GENERAL BILL by Agriculture; Easterly; Harris (Identical S 539)

Boil Weevil Eradication Law: provides penalty for failure to destroy cotton stalks by specified date each year in which boll weevil eradication program is in effect. Amends 593.116. Effective Date: 10/01/89.

03/15/89 HOUSE Prefiled
03/22/89 HOUSE Placed on Calendar
04/04/89 HOUSE Introduced, placed on Calendar -HJ 82
04/11/89 HOUSE Placed on Special Order Calendar
04/12/89 HOUSE Read second time -HJ 209
04/13/89 HOUSE Read third time; Passed; YEAS 110 NAYS 0 -HJ 215
04/19/89 SENATE In Messages
04/27/89 SENATE Received, referred to Agriculture -SJ 229; Withdrawn from Agriculture; Substituted for SB 539; Passed; YEAS 34 NAYS 0 -SJ 234
05/02/89 Ordered enrolled
05/08/89 Signed by Officers and presented to Governor -HJ 444
05/15/89 Approved by Governor; Chapter No. 89-11 -HJ 488

NOTES: Above bill history from Division of Legislative Information's FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.
I. SUMMARY:

A. PRESENT SITUATION:

Rule 5B-52.010, Florida Administrative Code, requires all cotton stalks to be destroyed by February 1 of each year that the boll weevil eradication program is in effect. This rule was promulgated under the general rulemaking authority of the department, but it does not provide for a penalty to be imposed upon the commercial cotton grower for failure to destroy the stalks by February 1. Cotton stalks not destroyed jeopardize the eradication effort by providing reproductive sites for boll weevils.

B. EFFECT OF PROPOSED CHANGES:

A penalty of not more than $25 per acre could be assessed against a commercial cotton grower who fails to destroy cotton stalks by February 1 of each year. The penalty provision is added to section 593.116, Florida Statutes.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None
2. Recurring or Annualized Continuation Effects:

The department could collect up to $25 per acre from each cotton grower who fails to destroy cotton stalks by February 1 of each year the eradication program is in effect. The department has no estimates on the amount of revenue this bill would raise.

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

See II.A.2.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

See II.A.2.

2. Direct Private Sector Benefits:

Control of the boll weevil pest should increase productivity for cotton farmers.

3. Effects on Competition, Private Enterprise, and Employment Markets:

None

D. FISCAL COMMENTS:

III. LONG RANGE CONSEQUENCES:

This bill complies with the State Comprehensive Plan, section 187.201(23)(b)10, Florida Statutes, which states that it is a policy of the state to, "Promote the vitality of Florida's agricultural
industry through continued funding of basic research, extension, inspection, and analysis services and of programs providing for marketing and technical assistance and the control and eradication of diseases and infestations."

IV. COMMENTS:

This bill does not address the Issues Conference Policy Statement.

This bill was requested by the Department of Agriculture and Consumer Services.

This bill was discussed at the subcommittee workshop on February 7, 1989 and it was recommended by the subcommittee members that legislation be considered by the full committee.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: Sonia Crockett, Staff Attorney
Staff Director: Becky Everhart

SECOND COMMITTEE OF REFERENCE:
Prepared by: 
Staff Director: 

APPROPRIATIONS:
Prepared by: 
Staff Director: 

STANDARD FORM 1/89
I. SUMMARY:

A. Present Situation:

In 1987 Chapter 593, F.S., was created establishing the Florida Boll Weevil Eradication Law within the Division of Plant Industry of the Department of Agriculture and Consumer Services. This law provides the enabling legislation for cotton growers in Florida to assess themselves for the funding of an eradication program. Section 593.116(2) provides penalties for commercial cotton growers who fail to pay assessments levied under the law. The department upon the recommendation of the board of directors of the cotton growers' organization determines the amount of the penalty but cannot set an amount over $25 per acre.

The department, by rule, requires commercial cotton growers to destroy all cotton stalks by February 1 of each year in which the eradication program is in effect. The department, however, does not have the authority to impose a penalty for violation of the rule.

B. Effect of Proposed Changes:

Section 593.116(2), F.S., is amended by the bill for any commercial cotton grover who fails to destroy cotton stalks by February 1 of each year in which the eradication program is in effect to be subject to the same penalty as failure to pay assessments.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Staff has no way of determining the number of violators that this penalty would affect.

B. Government:

The Department of Agriculture and Consumer Services has no estimates of the amount of revenue this bill would raise. The department could collect up to $25 per acre from each cotton grower found in violation of the law.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.
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III. COMMENTS:

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IV. AMENDMENTS:

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