

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB ANR 10-05 Relating to South Florida tropical fruit plan

SPONSOR(S): Agriculture & Natural Resources Policy Committee

TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Agriculture & Natural Resources Policy Committee		Thompson	Reese
1)				
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

Currently, s. 603.204, F.S., requires the Commissioner of the Department of Agriculture and Consumer Services (DACS) in consultation with the Tropical Fruit Advisory Council, to submit the South Florida Tropical Fruit Plan (plan) 90 days prior to the 1991 legislative session to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate Senate and House committees.

The law requires the plan to identify problems and constraints relating to the tropical fruit industry, and develop solutions and growth planning mechanisms for the tropical fruit industry. In support of the development of said solutions and mechanisms, the plan provides for the following reporting requirements:

- Revisions and updates to be submitted biennially,
- Progress reports and budget requests to be submitted annually,
- Educational or research recommendations to the University of Florida Institute of Food and Agricultural Sciences, and
- Regulation or marketing recommendations to DACS.

According to DACS, the reporting requirements of the plan are outdated and no longer being carried out. However, recent prolonged subfreezing temperatures threatening crops and tropical vegetation in South Florida have revived a need for the problem solving mechanisms provided for under the plan.

The bill amends s. 603.204, F.S., deleting all reporting requirements.

There is no direct fiscal impact.

The bill has an effective date of July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

During the 1990 regular session, the Legislature enacted Part II, Chapter 603, "The Florida Tropical Fruit Policy Act"¹ (act) to help develop the production and utilization of the tropical fruit industry. The act provides for legislative intent; creates the Tropical Fruit Advisory Council² within the Department of Agriculture and Consumer Services (DACS); and requires the Commissioner of Agriculture, in consultation with the Tropical Fruit Advisory Council, to submit to the legislature, the South Florida Tropical Fruit Plan.³

Current Situation

Currently, the South Florida Tropical Fruit Plan requires the Commissioner of Agriculture, in consultation with the Tropical Fruit Advisory Council, to submit the plan 90 days prior to the 1991 Legislative Session to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate Senate and House committees. Subsequent revisions and updates of the plan are directed to be submitted biennially while progress reports and budget requests are to be submitted annually.

The mission of the South Florida Tropical Fruit Plan is to identify problems and constraints of the tropical fruit industry, propose possible solutions to such problems, and develop planning mechanisms for orderly growth of the industry.⁴ These solutions and mechanisms include, but are not limited to, the submittal of:

- Educational or research recommendations to the University of Florida Institute of Food and Agricultural Sciences, and
- Regulation or marketing recommendations to DACS.

According to DACS, the last official progress report was submitted in 2001 and there have been no updates of the biennial plan. In 2007, it was recommended by DACS that the Tropical Fruit Advisory Council be repealed due to its inactive status. The Council has not met since then and there have

¹ Ch. 1990-277, Laws of Florida

² s. 603.203, F.S.

³ s. 603.204, F.S.

⁴ s. 603.204(1), F.S.

been no expenses related to the Council. The Legislature proposed a repeal of the South Florida Tropical Fruit Plan in 2008⁵ and 2009.⁶ All three proposals were not successful.

Proposed Changes

The bill amends s. 603.204, F.S., deleting the following reporting requirements:

- Submittal of the plan 90 days prior to the 1991 Legislative Session to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate Senate and House committees;
- Submittal of revisions and updates to the plan biennially;
- Submittal of progress reports and budget requests annually; and
- Submittal of recommendations relating to regulation or marketing to DACS.

According to DACS, the reporting requirements of the plan are outdated and no longer being carried out. However, recent prolonged subfreezing temperatures threatening crops and tropical vegetation in South Florida have revived a need for the problem solving mechanisms provided for under the plan. Therefore, by removing only the reporting requirement, the mechanisms for identifying and solving problems and constraints of the tropical fruit industry and the associated benefits are allowed to remain.

B. SECTION DIRECTORY:

Section 1. Amends s. 603.204, F.S.; deleting the reporting requirements of the South Florida Tropical Fruit Plan.

Section 2. Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

⁵ SB 884

⁶ CS,CS,SB 2160

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

The recent subfreezing temperatures experienced in January of 2010 severely threatened South Florida crops and tropical vegetation. Florida Agriculture Commissioner Charles Bronson requested and received from the Governor a state of emergency to assist farmers dealing with crop damage from the freeze. Consequently, the tropical fruit industry and DACS have expressed a renewed interest in the Florida Tropical Fruit Policy Act and the primary responsibility of the Tropical Fruit Advisory Council - the South Florida Tropical Fruit Plan - which contains mechanisms for identifying and solving problems and constraints of the tropical fruit industry such as severe weather damage.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES