

Florida Citrus Mutual  
Summary of 2008 State Legislative Activities

- Monitor the recommendations of the Joint Legislative Sunset Committee and ensure FCM has the opportunity to influence any criteria or conditions of a FDOC continuance grower referendum.
  - Proposed Legislation provides a 2 year window.
  - FCM requested “more time” needed to study.
  - Reconciliation with other industry request.
- Support appropriation request for the University of Florida, IFAS, baseline research budget for Citrus Invasive Pest & Disease (\$4.8 million)
- Seek \$4.0 million dollars in General Revenue Funds to supplement grower funds (FCPRAC – Research Box Tax) for research of Invasive Pests & Diseases.
- Investigate legislative language whereby funds transferred from the CATF to the FCPRAC trust fund are exempt from the State’s general revenue charge.
  - Roll-over funds
  - Advance payments
  - Exempt all FDOC scientific research
- Change the date the FCC must set the advertising tax rate, from August 1 to November 1. A revision to the existing statute would require FCM and FCC request.
- Work with FDACS/DPI on an alternative Abandoned Grove Program.
- Work with FDACS/DPI on reallocation of CHRP funds to support greening/canker research needs.
- Monitor General Revenue raids on all trust funds (FCATF, FCPRAC, FDACS Inspection)

**General Agriculture Legislation (FCM Supports)**

- SB394/HB135 – Sales Tax Exemption  
SB394, filed by Sen. Jeff Atwater (R-North Palm Beach), and HB 135, filed by Rep. Baxter Troutman (R-Winter Haven), provides a sales tax exemption for electricity used by fresh fruit and vegetable packing houses not located on a farm.
- SB1578/HB881 – Bert J. Harris, Jr./Property Rights  
SB1578, filed by Sen. Carey Baker (R-Eustis), and HB881, filed by Rep. Stephen Precourt (R-Orlando), provides that a development moratorium in effect for longer than

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one year would potentially be subject to a claim under the Harris Act. The bill would clarify that the enactment or adoption of a regulation does not constitute applying the regulation to property. The bill would also clarify that sovereign immunity does not apply to Harris Act claims.

- **SB2060/HB761 – Agriculture Industry Bill**  
SB2060, filed by Sen. Charles Dean (R-Inverness), and HB761, filed by Re. Joe Pickens (R-Palatka), prohibits county government imposition of a tax, assessment, or fee for storm water management on agricultural land meeting certain requirements. The bill provides indemnity for an agricultural landowner for an easement or any other right secured by a water management district for access to lands the district provides or makes available to the public. The bill also expands county and municipal exemptions for nonresidential farm buildings.
- **SB556/HB105 – Metal Recyclers**  
SB556, filed by Sen. Lee Constantine (R-Altamonte Springs), and HB105, filed by Rep. Baxter Troutman (R-Winter Haven), addresses a growing problem of metals thefts by revising recordkeeping requirements for metal recyclers and requiring photographic images of all regulated metals being sold.
- **SB1708/HB1015 – Child Nutrition**  
SB1708, filed by Sen. Gwen Margolis (D-Bay Harbor Island), and HB1015, filed by Rep. Juan Zapata (R-Miami), establishes the “Florida Healthier Child Care and School Nutrition Act.” The bill also provides requirements for foods served in child care facilities and school food service programs, requires a school district’s health education curriculum to include nutrition education, and requires a study by the Department of Agriculture and Consumer Services and the Department of Education on the fiscal impact of establishing a statewide Farm-to-School Program.

**General Agriculture Legislation (FCM is monitoring)**

- **HB353 – Citrus**  
HB353, filed by Sen. Ralph Poppell (R-Titusville), provides conditions for use of the Australian pine, *Casuarina cunninghamiana*, as windbreak for commercial citrus groves and authorizes FDACS to permit this activity as part of program to control citrus canker in commercial citrus groves. The bill also authorizes nurseries to produce this Australian pine under certain conditions.

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### **General Agriculture legislation (FCM is opposed)**

- **SB124 – Illegal Immigration**  
SB124, filed by Sen. Mike Fasano (R-New Port Richey), requires denial of agricultural land classification and assessment for a minimum period of 2-10 years for knowingly employing persons who are not authorized to work under federal immigration laws. The bill also provides an additional civil penalty of \$25,000 for each employed unauthorized alien.
  
- **SB388/HB73 – Illegal immigration**  
SB388, filed by Sen. Mike Fasano (R-New Port Richey), and HB73, filed by Rep. Don Brown (R-DeFuniak Springs), provides that no public employers shall enter into contracts for the physical performance of services within the state with contractors not registered and participating in a federal work-authorization program. Requires state agencies to verify the lawful presence in the United States of natural persons 18 years of age or older who have applied for state, local, or federal public benefits. The bill provides for the state to enforce specific federal immigration laws. The bill also provides for state penalties for transporting or harboring illegal aliens.
  - Best bet is to kill this proposed legislation in the House
  - Look to Miami-Dade County leadership

FCM Analysis of SB 578  
Bert J. Harris, Jr./Property Rights

Property Rights – DRAFT LEGISLATION by Representative Precourt  
(Companion legislation will be filed by Senator Banker)

The Bert J. Harris, Jr., Private Property Rights Protection Act was enacted in 1995 to protect private property owners from having their property “inordinately burdened” by governmental regulations. The Harris Act creates a process for resolving land use disputes between government and private property owners. While the Act has been effective in moderating some regulation of private property, it has not been amended since its enactment, and there are a few issues that are appropriately addressed in this legislation.

**The draft legislation would make the following changes to the Harris Act:**

- Currently a governmentally-imposed development moratorium is not actionable under the Harris Act. **Under this bill, governmental imposition of a moratorium on development that is longer than 1 year would potentially be subject to a claim under the Harris Act.**
- The Harris Act allows a claim to be filed when a regulation is first applied to private property. In the original enactment, it is unclear whether the enactment of a law or adoption of a regulation could constitute “applying” the law or regulation to the property. **This legislation clarifies that simple enactment of a law or adoption of a regulation would not constitute applying the regulation.**
- Currently, there is a very short one-year statute of limitation for filing a Harris Act claim after application of the law or ordinance that inordinately burdens private property. **The statute of limitations would be lengthened by the bill to two years, giving property owners some additionally needed time to prepare the claim and obtain the bona fide appraisal required for submission of the Harris Act claim.**
- The language contained in the statute regarding sovereign immunity is ambiguous and was the subject of recent appellate litigation clarifying the Legislature’s original intent in adopting the Harris Act. **The legislation would conform the statute to the opinion of the Third District Court of Appeal in Royal World Metropolitan v City of Miami Beach to specify the Legislature’s intent to waive the defense of sovereign immunity for Harris Act claims, but only to the extent authorized in the Harris Act.**
- Currently, the Harris Act allows the governmental entity six months – 180 days – to respond to a Harris Act claim, or be subject to suit in circuit court. **This legislation would reduce by 60 days this period, requiring the government to respond within 120 days, or four months, before the property owner could file the Harris Act claim in circuit court.**
- The Harris Act authorizes a number of options for government to resolve a Harris Act claim, but payment of compensation was inadvertently unaddressed in one portion of the Harris Act. **The legislation makes a technical correction, adding language to authorize a governmental entity to pay compensation in response to a Harris Act claim, and makes other changes to “clean up” language relating to the issuance of a written ripeness decision by a governmental entity without substantive changes.**