

By Senator Diaz-Balart

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A bill to be entitled
An act relating to citrus canker; creating s.
581.1841, F.S.; requiring the Department of
Agriculture and Consumer Services to establish
emergency procedures for citrus canker removal
in residential areas; directing the department
to develop and implement a tree
canopy-replacement program; providing an
effective date.

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

Section 1. Section 581.1841, Florida Statutes, is
created to read:

581.1841 Emergency procedures for citrus canker
removal in residential properties; tree replacement.--

(1) To carry out its duties with respect to emergency
responses to citrus canker when such activities involve entry
onto private residential properties in an urban area to
achieve detection and elimination of host plants, or other
regulated articles, infected or suspected of harboring citrus
canker bacteria, the department shall:

(a) Develop and provide a system for dissemination of
information to the public concerning bacterial citrus canker
and the methods used for its eradication or control. The
information disseminated must specify the characteristics of
the disease, the products and procedures to be used, any
expected effects on the human population and the environment
in the area in which the program is to be carried out, and any
recommended safety precautions and alternative methods of
responding to the disease.

1 **(b) Use products that comply with all applicable state**
2 **and federal laws and rules.**

3 **(c) Ensure that its emergency procedures for citrus**
4 **canker removal in residential properties are reviewed and**
5 **approved by scientific experts selected by the department and**
6 **found to be biologically sound and in compliance with the**
7 **National Plant Board Principles of Plant Quarantine.**

8 **(2) The department shall in writing, give notice to**
9 **each property owner, or his or her authorized representative,**
10 **before entering the property for the purpose of surveying for**
11 **bacterial citrus canker. The notice must be in the form of a**
12 **written statement outlining the purpose of the survey and the**
13 **potential results of the survey. If the property is accessible**
14 **and notice has been provided to the property owner, the**
15 **department has the right to proceed with the citrus canker**
16 **survey.**

17 **(3) If after the survey is completed the department**
18 **suspects that citrus canker is present, a department plant**
19 **pathologist must inspect the suspect property and take the**
20 **samples necessary for verification within 5 working days after**
21 **the survey. Upon receipt of the results of the pathologist,**
22 **the department shall notify the property owners, or their**
23 **authorized representatives, in writing of the action to be**
24 **taken. Such notice must be in the form of an immediate final**
25 **order and must be delivered to the property owner within 30**
26 **working days after the survey. The property owner must be**
27 **given 10 working days from the receipt of the immediate final**
28 **order to review it and appeal the department's order. Delivery**
29 **must be by personal delivery, registered mail, or by posting**
30 **on the property. An appeal of the department's order bars the**
31 **department from taking any further action on that property. If**

1 no appeal is initiated, the department shall implement its
2 order to remove citrus-canker-affected host plants, and other
3 articles, within 5 working days from the last day an appeal
4 may be taken, if the property owner signs a waiver agreeing to
5 such action.

6 (4) The department, pursuant to s. 581.031(15) and
7 (17), may create a citrus canker host-free buffer area,
8 delineated by department rule, to retard the spread of citrus
9 canker from known infected areas. In addition, the department
10 shall develop a compensation plan for the trees removed from
11 the buffer area. Compensation for the trees removed from the
12 buffer area is subject to annual legislative appropriation.

13 (5)(a) The department shall develop and implement a
14 tree-canopy replacement program for residential properties in
15 urbanized areas affected by citrus canker. The provisions of
16 the tree-canopy replacement program are subject to provision
17 and funding in specific legislative appropriations.

18 (b) As used in this section, the term "urbanized area"
19 means land that is zoned for purposes other than agricultural
20 purposes and that has a residential density of two or more
21 units per acre.

22 Section 2. This act shall take effect July 1, 1999.

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25 SENATE SUMMARY

26 Provides for emergency procedures for citrus canker
27 removal in residential areas. Directs the Department of
28 Agriculture and Consumer Services to develop and
29 implement a tree-canopy replacement program.
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