

By the Committee on Agriculture and Consumer Services; and
Senator Diaz-Balart

303-2045A-99

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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 **upon 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. In addition, the department**
14 **shall post a sign centrally located in each neighborhood where**
15 **a citrus canker survey is being conducted. The sign shall**
16 **state in bold lettering "CITRUS CANKER SURVEY IN PROGRESS."**

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 conduct a**
20 **visual diagnosis. Upon determination of a**
21 **citrus-canker-positive or exposed host tree, the department**
22 **shall notify the property owners or their authorized**
23 **representatives, in writing, of the action to be taken. Such**
24 **notice must be in the form of an immediate final order and**
25 **must be delivered to the property owner within 30 working days**
26 **after diagnosis. The property owner must be given 5 working**
27 **days from the delivery of the immediate final order to review**
28 **it. Delivery must be in the form of personal delivery or by**
29 **certified mail. If the owner refuses delivery or fails to pick**
30 **up the certified mail, the notice shall be posted on the**
31 **affected property. The department shall implement its order to**

1 remove citrus-canker-affected host plants, and other articles,
2 after 5 working days from the date of the delivery of the
3 order, or sooner if the property owner signs a waiver agreeing
4 to such action.

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

12 (5)(a) The department shall develop and implement a
13 tree-canopy replacement program for residential properties in
14 urbanized areas affected by citrus canker. The tree-canopy
15 replacement program is subject to the provisions of and
16 funding in specific legislative appropriations and the program
17 shall not be applicable to the buffer program in subsection
18 (4).

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

23 Section 2. This act shall take effect July 1, 1999.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2408

The Committee Substitute for Senate Bill 2408 is different from Senate Bill 2408 in that it:

- Requires the Department of Agriculture and Consumer Services to post a sign centrally located in each neighborhood where a citrus canker survey is conducted that states "CITRUS CANKER SURVEY IN PROGRESS";
- Requires the department plant pathologist to inspect a suspect property for citrus canker and to conduct a visual diagnosis, rather than taking samples to verify that citrus canker is present;
- Changes the time that property owners have to review an immediate final order from ten working days to five working days;
- Deletes a property owners's authority to appeal an immediate final order issued by the department; and
- Specifies that the tree-canopy replacement program is not applicable to the host-free buffer program.