

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Agriculture offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

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

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1 expected effects on the human population and the environment  
2 in the area in which the program is to be carried out, and any  
3 recommended safety precautions as well as any alternative  
4 methods of responding to the disease.

5 (b) Use products that comply with all applicable state  
6 and federal laws and rules.

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

12 (2) The department shall in writing, give notice to  
13 each property owner, or his or her authorized representative,  
14 upon entering the property for the purpose of surveying for  
15 bacterial citrus canker. The notice must be in the form of a  
16 written statement outlining the purpose of the survey and the  
17 potential results of the survey. In addition, the department  
18 shall post a sign centrally located in each neighborhood where  
19 a citrus canker survey is being conducted. The sign shall  
20 state in bold lettering 'CITRUS CANKER SURVEY IN PROGRESS'.

21 (3) If after the survey is completed the department  
22 suspects that citrus canker is present, a department plant  
23 pathologist must inspect the suspect property and conduct a  
24 visual diagnosis. Upon determination of a citrus canker  
25 positive or exposed host tree, the department shall notify the  
26 property owners or their authorized representatives, in  
27 writing, of the action to be taken. Such notice must be in the  
28 form of an immediate final order and must be delivered to the  
29 property owner within 30 working days after diagnosis. The  
30 property owner must be given 5 working days from the delivery  
31 of the immediate final order to review it. Delivery must be in

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1 the form of personal delivery or by certified mail. If the  
2 owner refuses delivery or fails to pick up the certified mail,  
3 the notice shall be posted on the affected property. The  
4 department shall implement its order to remove  
5 citrus-canker-affected host plants, and other articles, after  
6 5 working days from the date of the delivery of the order or  
7 sooner if the property owner signs a waiver agreeing to such  
8 action.

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

16 (5)(a) The department shall develop and implement a  
17 tree-canopy replacement program for residential properties in  
18 urbanized areas affected by citrus canker. The provisions of  
19 the tree-canopy replacement program are subject to provision  
20 and funding in specific legislative appropriations and shall  
21 not be applicable to the buffer program in s. 581.1841(4).

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

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

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29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 On page 1, lines 2-17,

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1 remove from the title of the bill: all of said lines  
2  
3 and insert in lieu thereof:  
4       An act relating to citrus canker; creating s.  
5       581.1841, F.S.; requiring the Department of  
6       Agriculture and Consumer Services to establish  
7       emergency procedures for citrus canker removal  
8       in residential areas; directing the department  
9       to develop and implement a tree  
10       canopy-replacement program; providing an  
11       effective date.

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