

By Representative Lacasa

1 A bill to be entitled
2 An act relating to citrus canker disease;
3 amending s. 581.184, F.S.; requiring the
4 Department of Agriculture and Consumer Services
5 to adopt specified rules relating to the
6 eradication of citrus canker disease; amending
7 s. 602.025, F.S.; revising legislative intent
8 of ch. 602, F.S.; amending s. 602.035, F.S.;
9 revising the schedule of compensation for
10 citrus nursery plants destroyed by citrus
11 canker disease to include specified claimants;
12 amending s. 602.055, F.S.; revising provisions
13 with respect to the deadline for filing of
14 required release of claims; amending s.
15 602.065, F.S.; providing for notification to
16 specified claimants; providing an effective
17 date.

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

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21 Section 1. Section 581.184, Florida Statutes, is
22 amended to read:

23 581.184 Promulgation of rules; citrus canker
24 eradication; voluntary destruction agreements.--

25 (1) In addition to the powers and duties set forth
26 under this chapter the department is directed to adopt rules
27 specifying facts and circumstances that, if present, would
28 require the destruction of plants for purposes of eradicating,
29 controlling, or preventing the dissemination of citrus canker
30 disease in the state. In addition, the department is directed
31 to adopt rules regarding the conditions under which citrus

1 plants can be grown, moved, and planted in this state as may
2 be necessary for the eradication, control, or prevention of
3 the dissemination of citrus canker. Such rules shall be in
4 effect for any period during which, in the judgment of the
5 Commissioner of Agriculture, there is the threat of the spread
6 of citrus canker disease in the state. Such rules may provide
7 for the conduct of any activity regulated by such rules
8 subject to an agreement by persons wishing to engage in such
9 activity to voluntarily destroy, at their own expense, citrus
10 plants declared by the department to be imminently dangerous
11 by reason of being infected or infested with citrus canker or
12 exposed to infection and likely to communicate same. The
13 terms of such agreement may also require the destruction of
14 healthy plants under specified conditions. Any such
15 destruction shall be done after reasonable notice in a manner
16 pursuant to and under conditions set forth in the agreement.
17 Such agreements may include releases and waivers of liability
18 and may require the agreement of other persons.

19 (2) In addition to those rules adopted pursuant to
20 subsection (1), the department is directed to adopt rules
21 which require:

22 (a) That all property owners within a citrus canker
23 quarantine area be provided with general information on the
24 eradication program's policies and procedures by registered
25 mail.

26 (b) That all affected property owners be informed, by
27 registered mail, of any impending search of their property for
28 citrus canker disease 10 days prior to the search.

29 (c) That all affected property owners be informed, by
30 registered mail, 10 days in advance of any visit for the
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1 purposes of testing, marking, and/or destruction of a citrus
2 tree.

3 (d) Criminal background checks of all subcontracted
4 employees involved in the citrus canker eradication program.

5 Section 2. Paragraph (a) of subsection (2) of section
6 602.025, Florida Statutes, is amended to read:

7 602.025 Legislative findings and intent.--

8 (2) It is the intent of the Legislature, through the
9 adoption of this act, to:

10 (a) Apply this act to all claimants, including, but
11 not limited to, those who have filed lawsuits prior to June
12 20, 1989, involving compensation for destruction of citrus
13 nursery plants as a result of the Citrus Canker Eradication
14 Program begun in 1984, except those in which there is a final
15 order as to damages, attorney's fees, or costs, from which no
16 appeal has been taken; and those claimants whose claims arose
17 on or after January 1, 1995, as described in s. 602.035(5).

18 Section 3. The introductory paragraph and subsection
19 (4) of section 602.035, Florida Statutes, are amended, and
20 subsection (5) is added to said section, to read:

21 602.035 Schedule of compensation.--The categories of
22 citrus nursery plants set out in subsections (1)-(4) below
23 were established by the Citrus Canker Indemnity Group. The
24 definitions and descriptions in the 1984 report of the Citrus
25 Canker Indemnity Group shall apply to the categories in this
26 act. The tree survival factors represent the average
27 percentage of original planted trees reaching sale after
28 allowances for culling or death.

29 (4) The average tree survival factors used in
30 subsections (1)-(4)~~this section~~ were taken from staff paper
31 number 281 published in June 1985 by the Food and Resource

1 Economic Department of the Institute of Food and Agricultural
2 Sciences at the University of Florida.

3 (5) The Legislature establishes the following values
4 to provide presumptive full and fair compensation for citrus
5 trees destroyed due to exposure to or infestation by citrus
6 canker disease on or after January 1, 1995, and located on
7 private residential property.

8 (a) For trees greater than 25 gallons in size.....\$500

9 (b) For trees between 10 and 25 gallons in size...\$200

10 (c) For trees between 2 and 10 gallons in size....\$100

11 (d) For trees less than 2 gallons in size, a one-time
12 \$100 compensation, regardless of the amount of trees lost.

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14 Property owners asserting a claim under this subsection shall
15 provide evidence of the size of the citrus tree destroyed by
16 providing photographs, videotape, receipts, or any applicable
17 surveys with their application for compensation.

18 Section 4. Subsection (6) of section 602.055, Florida
19 Statutes, is amended to read:

20 602.055 Office of Citrus Canker Claims established;
21 duties.--

22 (6) All claimants, except those claimants described in
23 s. 602.035(5), shall have until midnight of June 30, 1993, to
24 file the release required by this section. Any release
25 postmarked after that time shall be void, and no claim shall
26 be paid. All payments on the claims shall be completed by
27 August 2, 1993. Such payments may be made in accordance with
28 s. 602.025(2)(e), to the extent that funds are appropriated
29 for that purpose.

30 Section 5. Paragraph (c) is added to subsection (2) of
31 section 602.065, Florida Statutes, to read:

1 602.065 Citrus canker claims; procedures.--

2 (2)(a) For all claimants whose claims arose prior to
3 June 20, 1989, notification required in subsection (1) shall
4 be sent by registered mail to each claimant at the address
5 provided in the immediate final order. In addition,
6 notification for the purpose of s. 602.095(2) shall be deemed
7 to have been made upon publication of a general notice to all
8 such claimants in a newspaper of general circulation during
9 each week for 2 consecutive weeks in those counties in which
10 citrus nursery plants were destroyed.

11 (b) For all claimants whose claims arise on or after
12 June 20, 1989, notification required in subsection (1) for the
13 purpose of s. 602.095(2) shall be deemed to have been made
14 when such notification is sent by registered mail to each
15 claimant at the address provided in the immediate final order
16 or in the citrus tree destruction report.

17 (c) For all claimants whose claims arise on or after
18 January 1, 1995, notification required in subsection (1) for
19 the purpose of s. 602.095(2) shall be deemed to have been made
20 when such notification is sent by registered mail to each
21 claimant.

22 Section 6. This act shall take effect upon becoming a
23 law.

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HOUSE SUMMARY

With respect to the control and eradication of citrus canker disease within the state, directs the Department of Agriculture and Consumer Services to adopt rules which require:

1. That all property owners within a citrus canker quarantine area be provided with general information on the eradication program's policies and procedures by registered mail.

2. That all affected property owners be informed, by registered mail, of any impending search of their property for citrus canker disease 10 days prior to the search.

3. That all affected property owners be informed, by registered mail, 10 days in advance of any visit for the purposes of testing, marking, and/or destruction of a citrus tree.

4. Criminal background checks of all subcontracted employees involved in the citrus canker eradication program.

Revises legislative intent of ch. 602, F.S., to expand the application of the chapter to citrus trees destroyed by citrus canker disease on or after January 1, 1995, located on private residential property. Revises the schedule of compensation for citrus nursery plants destroyed by citrus canker disease to include those claimants whose claims arose on or after January 1, 1995. Provides for specified notification to such claimants.