

By Representative Lerner

1 A bill to be entitled
 2 An act relating to citrus canker eradication;
 3 amending s. 581.184, F.S.; requiring the
 4 Department of Agriculture and Consumer Services
 5 to apply for and obtain a search warrant for
 6 regulatory inspection of premises or property
 7 for the purpose of implementing and enforcing
 8 the laws of the state with regard to the
 9 eradication, control, and prevention of citrus
 10 canker disease when consent to inspect the
 11 premises or property has been sought and
 12 refused; providing that the department shall
 13 have the burden of proving the necessity for
 14 regulatory inspection; providing an effective
 15 date.

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

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 19 Section 1. Subsection (7) of section 581.184, Florida
 20 Statutes, is amended to read:

21 581.184 Adoption of rules; citrus canker eradication;
 22 voluntary destruction agreements; buffer zone.--

23 (7)(a) If consent to inspect the premises or property
 24 of any individual or any commercial citrus fruit producer for
 25 the purpose of implementing or enforcing the provisions of
 26 this section has been sought by an employee of the department
 27 and refused by the owner, agent, manager, or other person in
 28 charge of such premises or property, the department employee
 29 shall not enter onto the premises or property without first
 30 applying for and obtaining a search warrant for regulatory
 31 inspection under the provisions of this section. The

1 department shall have the burden of proving the necessity for
2 regulatory inspection of the premises or property of any
3 individual or commercial citrus producer in obtaining a search
4 warrant for inspection under the provisions of this section.

5 (b) Following compliance with the provisions of
6 paragraph (a), if applicable, and upon request of the
7 department, the sheriff of each county in the state shall
8 provide assistance in obtaining access to private property for
9 the purpose of enforcing the provisions of this section. The
10 sheriff shall be responsible for maintaining public order
11 during the eradication process and protecting the safety of
12 department employees, representatives, and agents charged with
13 implementing and enforcing the provisions of this section. The
14 department may reimburse the sheriff for the reasonable costs
15 of implementing the provisions of this subsection.

16 Section 2. This act shall take effect upon becoming a
17 law.

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20 HOUSE SUMMARY

21 Requires the Department of Agriculture and Consumer
22 Services to apply for and obtain a search warrant for
23 regulatory inspection of premises or property for the
24 purpose of implementing and enforcing the laws of the
25 state with regard to the eradication, control, and
26 prevention of citrus canker disease when consent to
27 inspect the premises or property has been sought and
28 refused. Provides that the department shall have the
29 burden of proving the necessity for regulatory inspection
30 of the premises or property of any individual or
31 commercial citrus producer in obtaining a search warrant
for such inspection.