

HB 1853

2004

1 A bill to be entitled
 2 An act relating to citrus canker; amending s. 581.184,
 3 F.S.; requiring the Department of Agriculture and Consumer
 4 Services to provide notice to property owners of the
 5 removal of citrus trees infected with or exposed to citrus
 6 canker; amending s. 581.1845, F.S.; revising eligibility
 7 for compensation and the compensation amount for citrus
 8 trees removed through a citrus canker eradication program;
 9 providing an effective date.

10

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

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13 Section 1. Subsection (2) of section 581.184, Florida
 14 Statutes, is amended to read:

15 581.184 Adoption of rules; citrus canker eradication;
 16 voluntary destruction agreements.--

17 (2)~~(a)~~ The department shall remove and destroy all
 18 infected citrus trees and all citrus trees exposed to infection.
 19 Notice of the removal of such trees, by immediate final order,
 20 shall ~~may~~ be provided to the owner of the property on which such
 21 trees are located. An immediate final order issued by the
 22 department pursuant to this section shall notify the property
 23 owner that the citrus trees that are the subject of the
 24 immediate final order will be removed and destroyed unless the
 25 property owner, no later than 10 days after delivery of the
 26 immediate final order pursuant to subsection (3), requests and
 27 obtains a stay of the immediate final order from the district
 28 court of appeal with jurisdiction to review such requests. The
 29 property owner shall not be required to seek a stay of the

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30 immediate final order by the department prior to seeking the
 31 stay from the district court of appeal.

32 ~~(b) Notwithstanding the provisions of paragraph (a), and~~
 33 ~~for the 2003-2004 fiscal year only, notice of the removal of~~
 34 ~~infected citrus trees and citrus trees exposed to infection, by~~
 35 ~~immediate final order, shall be provided to the owner of the~~
 36 ~~property on which such trees are located. This paragraph expires~~
 37 ~~July 1, 2004.~~

38 Section 2. Subsections (2), (3), and (6) of section
 39 581.1845, Florida Statutes, are amended to read:

40 581.1845 Citrus canker eradication; compensation to
 41 homeowners whose trees have been removed.--

42 (2)(a) To be eligible to receive compensation under the
 43 program, a homeowner must:

44 (a)1. Be the homeowner of record on the date the trees
 45 were removed from the effective date of this act for residential
 46 property ~~where one or more citrus trees have been removed as~~
 47 part of a citrus canker eradication program;

48 (b)2. Have had one or more citrus trees removed from the
 49 property by a tree-cutting contractor as part of a citrus canker
 50 eradication program on or after January 1, 1995; and

51 (c)3. Have received no commercial compensation and is not
 52 eligible to receive commercial compensation from the United
 53 States Department of Agriculture for citrus trees removed as
 54 part of a citrus canker eradication program.

55 ~~(b) Notwithstanding subparagraph (a)1., and for~~
 56 ~~compensation during the 2003-2004 fiscal year only, to be~~
 57 ~~eligible to receive compensation under the program for~~
 58 ~~residential property where one or more citrus trees have been~~

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59 ~~removed on or after July 1, 2001, as part of a citrus canker~~
 60 ~~eradication program, a homeowner must be the homeowner of record~~
 61 ~~on the date the trees were removed. This paragraph expires July~~
 62 ~~1, 2004.~~

63 (3) The amount of compensation for each tree removed from
 64 residential property by the citrus canker eradication program
 65 shall be \$55 ~~\$100~~ per tree. If the homeowner's property is
 66 eligible for a Shade Dade or a Shade Florida Card, the homeowner
 67 may not receive compensation under this section for the first
 68 citrus tree removed from the property as part of a citrus canker
 69 eradication program.

70 ~~(6) For the 2003-2004 fiscal year only, and~~
 71 ~~notwithstanding the \$100 compensation amount specified in~~
 72 ~~subsection (3), the amount of compensation for each tree removed~~
 73 ~~from residential property by the citrus canker eradication~~
 74 ~~program shall be \$55. This subsection expires July 1, 2004.~~

75 Section 3. This act shall take effect July 1, 2004.