

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Poppell offered the following:

2
3 **Substitute Amendment for Amendment (766599) to the Senate**
4 **Bill (with title amendment)**

5 On page 21, between line(s) 14 and 15, insert:

6
7 Section 16. Subsection (5) is added to section 581.091,
8 Florida Statutes, to read:

9 581.091 Noxious weeds and infected plants or regulated
10 articles; sale or distribution; receipt; information to
11 department; withholding information.--

12 (5) (a) Notwithstanding any other provision of state law or
13 rule, a person may obtain a special permit from the department
14 to plant *Casuarina cunninghamiana* as a windbreak for a
15 commercial citrus grove provided the plants are produced in an
16 authorized registered nursery and certified by the department as

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17 being vegetatively propagated from male plants. A "commercial
18 citrus grove" means a contiguous planting of 40 or more citrus
19 trees where citrus fruit is produced for sale.

20 (b) Special permits authorizing a person to plant
21 *Casuarina cunninghamiana* shall be issued only as part of a pilot
22 program in areas where citrus canker is determined by the
23 department to be widespread. Each application for a special
24 permit shall be accompanied by a fee in an amount determined by
25 the department, by rule, not to exceed \$500. A special permit
26 shall be required for each noncontiguous commercial citrus grove
27 and shall be renewed every 5 years. The property owner is
28 responsible for maintaining and producing for inspection the
29 original nursery invoice with certification documentation. If
30 ownership of the property is transferred, the seller must notify
31 the department and provide the buyer with a copy of the special
32 permit and copies of all invoices and certification
33 documentation prior to the closing of the sale.

34 (c) Nurseries authorized to produce *Casuarina*
35 *cunninghamiana* must obtain a special permit from the department
36 certifying that the plants have been vegetatively propagated
37 from sexually mature male source trees currently grown in the
38 state. The importation of *Casuarina cunninghamiana* from any area
39 outside the state to be used as a propagation source tree is
40 prohibited. Each male source tree must be registered by the
41 department as being a horticulturally true to type male plant
42 and be labeled with a source tree registration number. Each
43 nursery application for a special permit shall be accompanied by
44 a fee in an amount determined by the department, by rule, not to
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45 exceed \$200. Special permits shall be renewed annually. The
46 department shall, by rule, set the amount of an annual fee,
47 which shall not exceed \$50, for each *Casuarina cunninghamiana*
48 registered as a source tree. Nurseries may only sell *Casuarina*
49 *cunninghamiana* to a person with a special permit as specified in
50 paragraphs (a) and (b). The source tree registration numbers of
51 the parent plants must be documented on each invoice or other
52 certification documentation provided to the buyer.

53 (d) All *Casuarina cunninghamiana* must be destroyed by the
54 property owner once the site is no longer used for commercial
55 citrus production or if the department determines that the
56 *Casuarina cunninghamiana* on the site has become invasive. The
57 determination of the department shall be based on the
58 recommendation of the Noxious Weed and Invasive Plant Review
59 Committee, created by the department, in consultation with a
60 representative of the citrus industry who has a *Casuarina*
61 *cunninghamiana* windbreak. Destruction of all *Casuarina*
62 *cunninghamiana* used in the windbreak must be completed within 6
63 months after the final harvest of fruit for commercial sale. If
64 the owner or person in charge refuses or neglects to comply, the
65 director or her or his authorized representative may, under
66 authority of the department, proceed to destroy the plants. The
67 expense of the destruction shall be assessed, collected, and
68 enforced against the owner by the department. If the owner does
69 not pay the assessed cost, the department may record a lien
70 against the property.

71 (e) The use of *Casuarina cunninghamiana* for windbreaks
72 shall not preclude the department from issuing permits for the
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73 research or release of biological control agents to control
74 Casuarina sp. in accordance with s. 581.083. The department
75 shall not consider potential adverse impacts to Casuarina
76 cunninghamiana windbreaks when determining whether to approve or
77 deny permits for the research or release of any biological
78 control agent.

79 (f) The use of Casuarina cunninghamiana for windbreaks
80 shall not restrict or interfere with any other agency or local
81 government effort to manage or control noxious weeds or invasive
82 plants, including Casuarina cunninghamiana, nor shall any other
83 agency or local government remove any Casuarina cunninghamiana
84 planted as a windbreak under special permit issued by the
85 department.

86

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

88 On page 3, remove line 14, and insert:

89

90 suitable markers; amending s. 581.091, F.S.; providing
91 conditions for use of *Casuarina cunninghamiana* as a
92 windbreak for commercial citrus groves; providing for
93 permitting and permit fees; providing for destruction of
94 *Casuarina cunninghamiana*; providing that use as windbreaks
95 does not preclude research or release of agents to control
96 *Casuarina sp.* not used as such by the department, any other
97 agency, or any local government; prohibiting removal of
98 *Casuarina cunninghamiana* planted as a windbreak under
99 special permit; providing an effective date.

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