

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Poppell offered the following:

2
3 **Amendment (with title amendment)**

4 On page 21, between lines 14 and 15, insert:

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

8 581.091 Noxious weeds and infected plants or regulated
9 articles; sale or distribution; receipt; information to
10 department; withholding information.--

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

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17 citrus grove" means a contiguous planting of 40 or more citrus
18 trees where citrus fruit is produced for sale.

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

33 (c) Nurseries authorized to produce *Casuarina*
34 *cunninghamiana* must obtain a special permit from the department
35 certifying that the plants have been vegetatively propagated
36 from sexually mature male source trees currently grown in the
37 state. Each male source tree must be registered by the
38 department as being a horticulturally true to type male plant
39 and be labeled with a source tree registration number. Each
40 nursery application for a special permit shall be accompanied by
41 a fee in an amount determined by the department, by rule, not to
42 exceed \$200. Special permits shall be renewed annually. The
43 department shall, by rule, set the amount of an annual fee,
44 which shall not exceed \$50, for each *Casuarina cunninghamiana*

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45 registered as a source tree. Nurseries may only sell *Casuarina*
46 *cunninghamiana* to a person with a special permit as specified in
47 paragraphs (a) and (b). The source tree registration numbers of
48 the parent plants must be documented on each invoice or other
49 certification documentation provided to the buyer.

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

68 (e) The use of *Casuarina cunninghamiana* for windbreaks
69 shall not preclude the department from issuing permits for the
70 research or release of biological control agents to control
71 *Casuarina sp.* in accordance with s. 581.083.

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72 (f) The use of *Casuarina cunninghamiana* for windbreaks
73 shall not restrict or interfere with any other agency or local
74 government effort to manage or control noxious weeds or invasive
75 plants, including *Casuarina cunninghamiana*, nor shall any other
76 agency or local government remove any *Casuarina cunninghamiana*
77 planted as a windbreak under special permit issued by the
78 department.

79

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

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

82

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