

Amendment No.

CHAMBER ACTION

Senate

House

1 Representative Poppell offered the following:

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

4 Between lines 72 and 73, insert:

5
6 Section 3. 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. The importation of *Casuarina cunninghamiana* from any area
38 outside the state to be used as a propagation source tree is
39 prohibited. Each male source tree must be registered by the
40 department as being a horticulturally true to type male plant
41 and be labeled with a source tree registration number. Each
42 nursery application for a special permit shall be accompanied by
43 a fee in an amount determined by the department, by rule, not to
44 exceed \$200. Special permits shall be renewed annually. The

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45 department shall, by rule, set the amount of an annual fee,
46 which shall not exceed \$50, for each *Casuarina cunninghamiana*
47 registered as a source tree. Nurseries may only sell *Casuarina*
48 *cunninghamiana* to a person with a special permit as specified in
49 paragraphs (a) and (b). The source tree registration numbers of
50 the parent plants must be documented on each invoice or other
51 certification documentation provided to the buyer.

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

70 (e) The use of *Casuarina cunninghamiana* for windbreaks
71 shall not preclude the department from issuing permits for the
72 research or release of biological control agents to control

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73 Casuarina sp. in accordance with s. 581.083. The department
 74 shall not consider potential adverse impacts to Casuarina
 75 cunninghamiana windbreaks when determining whether to approve or
 76 deny permits for the research or release of any biological
 77 control agent.

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

85
86 ===== T I T L E A M E N D M E N T =====

87 Remove line 13 and insert:

88
 89 provision does not apply to certain sales; amending s. 581.091,
 90 F.S.; providing conditions for use of *Casuarina cunninghamiana*
 91 as a windbreak for commercial citrus groves; providing for
 92 permitting and permit fees; providing for destruction of
 93 *Casuarina cunninghamiana*; providing that use as windbreaks does
 94 not preclude research or release of agents to control *Casuarina*
 95 *sp.* not used as such by the department, any other agency, or any
 96 local government; prohibiting removal of *Casuarina*
 97 *cunninghamiana* planted as a windbreak under special permit;
 98 providing an