

Bill No. CS for CS for SB 2754

Barcode 114410

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Floor: WD/2R
05/01/2007 03:20 PM

.
. .
. .
. .
. .
. .

Senator Haridopolos moved the following amendment:

Senate Amendment (with title amendment)

On page 3, between lines 2 and 3,

insert:

Section 1. Subsection (5) is added to section 581.091, Florida Statutes, to read:

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

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

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

(b) Special permits authorizing a person to plant Casuarina cunninghamiana shall be issued only as part of a

Bill No. CS for CS for SB 2754

Barcode 114410

1 pilot program in areas where citrus canker is determined by
 2 the department to be widespread. Each application for a
 3 special permit shall be accompanied by a fee in an amount
 4 determined by the department, by rule, not to exceed \$500. A
 5 special permit shall be required for each noncontiguous
 6 commercial citrus grove and shall be renewed every 5 years.
 7 The property owner is responsible for maintaining and
 8 producing for inspection the original nursery invoice with
 9 certification documentation. If ownership of the property is
 10 transferred, the seller must notify the department and provide
 11 the buyer with a copy of the special permit and copies of all
 12 invoices and certification documentation prior to the closing
 13 of the sale.

14 (c) Nurseries authorized to produce Casuarina
 15 cunninghamiana must obtain a special permit from the
 16 department certifying that the plants have been vegetatively
 17 propagated from sexually mature male source trees currently
 18 grown in the state. The importation of Casuarina
 19 cunninghamiana from any area outside the state to be used as a
 20 propagation source tree is prohibited. Each male source tree
 21 must be registered by the department as being a
 22 horticulturally true to type male plant and be labeled with a
 23 source tree registration number. Each nursery application for
 24 a special permit shall be accompanied by a fee in an amount
 25 determined by the department, by rule, not to exceed \$200.
 26 Special permits shall be renewed annually. The department
 27 shall, by rule, set the amount of an annual fee, which shall
 28 not exceed \$50, for each Casuarina cunninghamiana registered
 29 as a source tree. Nurseries may sell Casuarina cunninghamiana
 30 only to a person who holds a special permit as specified in
 31 paragraphs (a) and (b). The source tree registration numbers

Bill No. CS for CS for SB 2754

Barcode 114410

1 of the parent plants must be documented on each invoice or
2 other certification documentation provided to the buyer.

3 (d) All Casuarina cunninghamiana must be destroyed by
4 the property owner once the site is no longer used for
5 commercial citrus production or if the department determines
6 that the Casuarina cunninghamiana on the site has become
7 invasive. The determination of the department shall be based
8 on the recommendation of the Noxious Weed and Invasive Plant
9 Review Committee, created by the department, in consultation
10 with a representative of the citrus industry who has a
11 Casuarina cunninghamiana windbreak. Destruction of all
12 Casuarina cunninghamiana used in the windbreak must be
13 completed within 6 months after the final harvest of fruit for
14 commercial sale. If the owner or person in charge refuses or
15 neglects to comply, the director or her or his authorized
16 representative may, under authority of the department, proceed
17 to destroy the plants. The expense of the destruction shall be
18 assessed, collected, and enforced against the owner by the
19 department. If the owner does not pay the assessed cost, the
20 department may record a lien against the property.

21 (e) The use of Casuarina cunninghamiana for windbreaks
22 does not preclude the department from issuing permits for the
23 Casuarina sp. in accordance with s. 581.083. The department
24 may not consider potential adverse impacts to Casuarina
25 cunninghamiana windbreaks when determining whether to approve
26 or deny permits for the research or release of any biological
27 control agent.

28 (f) The use of Casuarina cunninghamiana for windbreaks
29 does not restrict or interfere with any other agency or local
30 government effort to manage or control noxious weeds or
31 invasive plants, including Casuarina cunninghamiana, and any

Bill No. CS for CS for SB 2754

Barcode 114410

1 other agency or local government may not remove any Casuarina
 2 cunninghamiana planted as a windbreak under a special permit
 3 issued by the department.

4
 5 (Redesignate subsequent sections.)

6
 7
 8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 On page 1, line 12, after the semicolon,

11
 12 insert:

13 amending s. 581.091, F.S.; providing conditions
 14 for use of Casuarina cunninghamiana as a
 15 windbreak for commercial citrus groves;
 16 providing for permitting and permit fees;
 17 providing for destruction of Casuarina
 18 cunninghamiana; providing that use as
 19 windbreaks does not preclude research or
 20 release of agents to control Casuarina sp. not
 21 used as such by the department, any other
 22 agency, or any local government; prohibiting
 23 the removal of Casuarina cunninghamiana planted
 24 as a windbreak under a special permit;

25
 26
 27
 28
 29
 30
 31