

department to charge a special permit fee, not to exceed \$200. The department is authorized to charge an annual fee, not to exceed \$50 for each *Casuarina cunninghamiana* registered as a source tree.

The committee substitute provides for destruction of all *Casuarina cunninghamiana* by the property owner if the site is no longer used for commercial citrus production, has not been used for commercial citrus production for a period of five years, or if the department determines that the trees have become invasive. The cost of the destruction will be assessed, collected, and enforced against the owner. Upon failure to pay the assessed cost, the department is authorized to record a lien against the property. The committee substitute authorizes the department to require a permit holder to provide verified statements of the planted acreage subject to the special permit. It also authorizes the department to review the permit holder's business or planting records at his or her place of business during normal business hours. Failure to produce such information is cause for suspension or revocation of the special permit.

This committee substitute amends section 581.091, F.S., Florida Statutes.

II. Present Situation:

Citrus canker, caused by a bacteria, is a leaf, fruit, and stem spotting disease that affects numerous species, cultivars, and hybrids of citrus and citrus relatives. The vast majority of the infection occurs by wind-blown rains during severe tropical storms, hurricanes, and tornadoes. Workers can also carry the bacteria from one location to another on hands, clothes, and equipment.¹

The 1900-foot rule was suspended in January 2006 and the state's eradication of citrus canker-affected trees ended. The new Citrus Health Response Plan does not require removal of affected trees. Thus, growers must use their best judgment in management of citrus canker. Wind breaks are highly effective in reducing the spread of canker, but more importantly, they reduce the severity of the infection in endemic situations.²

Casuarina cunninghamiana is commonly used in Argentina as an effective, fast-growing windbreak. The number of canker lesions is ten times greater on the side of the tree exposed to the prevailing winds than on the protected side of the same tree. In tests in nursery situations, artificial windbreaks greatly diminished the distance of spread of canker down the nursery row and reduced disease to only a few scattered lesions. For this reason, the citrus canker research community in Florida believes that windbreaks are the most critical component for management of the disease.³

Casuarina cunninghamiana is one of the largest species of the genus *Casuarina*. It was introduced to the United States near the turn of the century and is widely distributed in southern Florida and is also found in California, Arizona, and Hawaii.⁴ Long-favored for its use in

¹ <http://www.plant-materials.nrcs.usda.gov/pubs/flpmstn7469.pdf>

² <http://edis.ifas.ufl.edu/CG040>

³ <http://www.plant-materials.nrcs.usda.gov/pubs/flpmstn7469.pdf>

⁴ <http://www.fs.fed.us/database/feis/plants/tree/casspp/all.html>

erosion control along beaches, it is now prohibited for use by the Department of Environmental Protection in Florida due to its invasive nature, rapid growth rate, and non-native status.

III. Effect of Proposed Changes:

Section 1 amends s. 581.091, F.S., to specify conditions under which *Casuarina cunninghamiana* may be used as a windbreak for commercial groves. Requires a person to obtain a special permit from the Department of Agriculture and Consumer Services (department) to plant *Casuarina cunninghamiana* provided the plants are produced in an authorized registered nursery and certified by the department as being vegetatively propagated from certified male plants. Defines a commercial citrus grove as a contiguous planting of 100 or more citrus trees where citrus fruit is produced for sale.

For a five-year period, special permits authorizing a person to plant *Casuarina cunninghamiana* shall be issued only as part of a pilot program for fresh fruit groves in Indian River, St. Lucie, and Martin Counties where citrus canker is determined by the department to be widespread. Requires the pilot program to be reevaluated annually, and a comprehensive review is required in 2013. Provides for a permit fee, not to exceed \$500. Requires the special permit to be renewed every five years. Provides criteria for transferring ownership of the property.

Each application must include a baseline survey of all lands within 500 feet of the proposed *Casuarina cunninghamiana* windbreak showing the location and identification to species of all existing *Casuarina spp.*

Nurseries authorized to produce *Casuarina cunninghamiana* must obtain a special permit from the department certifying that the plants have been vegetatively propagated from sexually mature male source trees currently grown in the state. Prohibits the importation of *Casuarina cunninghamiana* from any areas outside the state to be used as a propagation source tree. Requires each male source tree to be registered by the department as being a horticulturally true-to-type male plant and to be labeled with a source tree registration number. Provides for a permit fee, not to exceed \$200. Requires special permits to be renewed annually. Provides for an annual fee, not to exceed \$50 for each *Casuarina cunninghamiana* registered as a source tree. Prohibits nurseries to sell *Casuarina cunninghamiana* to a person without a special permit. Requires source tree registration numbers to be on each invoice or other certification documentation provided to the buyer.

All *Casuarina cunninghamiana* must be destroyed by the property owner within six months after:

- . The property owner takes permanent action to no longer use the site for commercial citrus production;
- . The site has not been used for commercial citrus production for a period of five years; or
- . The department determines that the trees have become invasive.

Upon failure to comply, the department will proceed to destroy the plants. The cost of destruction will be assessed, collected, and enforced against the owner. Authorizes the department to record a lien against the property upon failure to pay the assessed cost.

The use of *Casuarina cunninghamiana* for windbreaks does not preclude research or release of biological agents to control *Casuarina sp.* Provides that the use of *Casuarina cunninghamiana* for windbreaks may not interfere with any other agency or local government efforts to manage or control noxious weeds or invasive plants.

The department shall develop and implement a monitoring protocol to determine the invasiveness of *Casuarina cunninghamiana*. Provides minimum monitoring criteria. Requires property owners to destroy trees if the department determines that female flowers or cones have been produced on any permitted *Casuarina cunninghamiana*.

If at any time the department determines that hybridization has occurred during the pilot program between *Casuarina cunninghamiana* planted as a windbreak and other *Casuarina sp.*, the department shall expeditiously initiate research to determine the invasiveness of the hybrid. Requires the pilot program to be suspended if it is determined that the hybrids have a high potential to become invasive.

The department or its agents are authorized to require a permit holder to provide verified statements of the planted acreage subject to the special permit and may review the permit holder's business or planting records at his or her place of business during normal business hours in order to determine the acreage planted. Failure to produce such information is cause for suspension or revocation of the special permit.

Section 2 provides that this act shall take effect July 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

See Private Sector and Government Sector sections.

B. Private Sector Impact:

The Department of Agriculture and Consumer Services estimates that five nurseries would participate in the pilot program and propagate this plant. They would pay \$200 per year for a special permit for a total of \$1,000 for nursery special permits. It is estimated that four different groves (based on current DEP permits) would require a special permit not exceeding \$500 every five years. It is estimated that four additional groves each year would be permitted to plant *Casuarina cunninghamiana* and would pay the necessary permit fees for a total of \$2,000 for grove special permits.

C. Government Sector Impact:

	FY 07-08	FY 08-09	FY 09-10
Recurring Revenues:			
Special Permit – Nurseries (5 @ \$200)	\$1,000	\$1,000	\$1,000
Special Permit – Groves (4 @ \$500)	\$2,000	\$2,000	\$2,000
Recurring Expenditures:			
Tracking of the nurseries that propagate the trees and costs associated with monitoring the plantings around the groves to assure that they are male source trees.	\$3,000	\$3,000	\$3,000

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Agriculture on April 3, 2008:

The committee substitute:

- . Creates a five-year pilot program for use of *Casuarina cunninghamiana* as a windbreak to protect fresh fruit groves in Indian River, St. Lucie, and Martin Counties where citrus canker is determined by the Department of Agriculture and Consumer Services (department) to be widespread. The pilot program must be reevaluated annually, and a comprehensive review is required in 2013.
- . Requires the department to develop and implement monitoring protocol to determine the invasiveness of *Casuarina cunninghamiana*.

- . Requires property owners to destroy trees if the department determines that female flowers or cones have been produced on any permitted *Casuarina cunninghamiana*.
- . Requires the pilot program to be suspended if hybridization occurs and it is determined that the hybrids have a high potential to become invasive.
- . Authorizes the department to require a permit holder to provide verified statements of the planted acreage subject to the special permit and authorizes review of a permit holder's business or planting records at his or her place of business during normal business hours. Failure to produce such information is cause for suspension or revocation of the special permit.

B. Amendments:

None.