

By Senator Haridopolos

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1 A bill to be entitled

2 An act relating to the protection of commercial citrus
3 groves; amending s. 581.091, F.S.; providing conditions
4 for use of Casuarina cunninghamiana as a windbreak for
5 commercial citrus groves; providing for permitting and
6 permit fees; providing for destruction of Casuarina
7 cunninghamiana; providing that use as a windbreak does not
8 preclude research or release of agents to control
9 Casuarina sp.; providing that the use of Casuarina
10 cunninghamiana for windbreaks does not interfere with or
11 restrict efforts to manage or control noxious weeds or
12 invasive plants; prohibiting any other agency or local
13 government from removing Casuarina cunninghamiana planted
14 as a windbreak under special permit; providing an
15 effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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

21 581.091 Noxious weeds and infected plants or regulated
22 articles; sale or distribution; receipt; information to
23 department; withholding information; use as windbreak for
24 commercial citrus grove.--

25 (5) (a) Notwithstanding any other provision of state law or
26 rule, a person may obtain a special permit from the department to
27 plant Casuarina cunninghamiana as a windbreak for a commercial
28 citrus grove provided the plants are produced in an authorized
29 registered nursery and certified by the department as being from

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30 certified male plants. A commercial citrus grove is defined as a
31 contiguous planting of forty or more citrus trees where citrus
32 fruit is produced for sale.

33 (b) Special permits authorizing a person to plant Casuarina
34 cunninghamiana may only be issued as part of a program to create
35 a windbreak for the purpose of controlling citrus canker in
36 commercial citrus groves. Each application for a special permit
37 shall be accompanied by a fee in an amount determined by the
38 department, through its rulemaking authority, not to exceed \$500.
39 A special permit shall be required for each commercial citrus
40 grove and shall be renewed every 5 years. The property owner is
41 responsible for maintaining and producing for inspection the
42 original nursery invoice with certification documentation. If
43 ownership of the property is transferred, the seller must notify
44 the department and provide the buyer with a copy of the special
45 permit and copies of all invoices and certification documentation
46 prior to the closing of the sale.

47 (c) Nurseries authorized to produce Casuarina
48 cunninghamiana must obtain a special permit from the department
49 certifying that the plants are from sexually mature male source
50 trees. Each male source tree must be registered by the department
51 as being a horticulturally true-to-type male plant and be labeled
52 with a source tree registration number. Each nursery application
53 for a special permit shall be accompanied by a fee in an amount
54 determined by the department, through its rulemaking authority,
55 not to exceed \$200. Special permits shall be renewed annually.
56 There shall be an annual fee as determined by the department,
57 through its rulemaking authority, not to exceed \$50 for each
58 Casuarina cunninghamiana registered as a source tree. Nurseries

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59 may only sell Casuarina cunninghamiana to a person with a special
60 permit as specified in paragraphs (a) and (b). The source tree
61 registration numbers of the parent plants must be documented on
62 each invoice or other certification documentation provided to the
63 buyer.

64 (d) All Casuarina cunninghamiana must be destroyed by the
65 property owner once the site is no longer used for commercial
66 citrus production or if the department determines that the
67 Casuarina cunninghamiana on the site has become invasive. The
68 department shall make such determination based on the
69 recommendation of the Noxious Weed and Invasive Plant Review
70 Committee in consultation with a representative of the citrus
71 industry who has a Casuarina cunninghamiana windbreak.
72 Destruction of all Casuarina cunninghamiana used in the windbreak
73 must be completed within 6 months after the final harvest of
74 fruit for commercial sale. If the owner or person in charge
75 refuses or neglects to comply, the director of the Division of
76 Plant Industry or her or his authorized representative may, under
77 authority of the department, proceed to destroy the plants. The
78 expense of the destruction shall be assessed, collected, and
79 enforced against the owner by the department. If the owner does
80 not pay the assessed cost, the department is authorized to record
81 a lien against the property.

82 (e) The use of Casuarina cunninghamiana for windbreaks
83 shall not preclude the department from issuing permits for the
84 research or release of biological control agents to control
85 Casuarina sp. in accordance with provisions in s. 581.083. The
86 department may not consider potential adverse impacts to
87 Casuarina cunninghamiana windbreaks when determining whether to

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88 approve or deny permits for the research or release of any
89 biological control agent.

90 (f) The use of Casuarina cunninghamiana for windbreaks
91 shall not restrict or interfere with any other agency or local
92 government efforts to manage or control noxious weeds or invasive
93 plants, including Casuarina cunninghamiana, nor shall any other
94 agency or local government remove any Casuarina cunninghamiana
95 planted as a windbreak under special permit issued by the
96 department.

97 Section 2. This act shall take effect July 1, 2008.