

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
 27 to plant *Casuarina cunninghamiana* as a windbreak for a
 28 commercial citrus grove provided the plants are produced in an

29 authorized registered nursery and certified by the department as
30 being from certified male plants. A commercial citrus grove is
31 defined as a contiguous planting of forty or more citrus trees
32 where citrus fruit is produced for sale.

33 (b) Special permits authorizing a person to plant
34 *Casuarina cunninghamiana* may only be issued as part of a program
35 to create a windbreak for the purpose of controlling citrus
36 canker in commercial citrus groves. Each application for a
37 special permit shall be accompanied by a fee in an amount
38 determined by the department, through its rulemaking authority,
39 not to exceed \$500. A special permit shall be required for each
40 commercial citrus grove and shall be renewed every 5 years. The
41 property owner is responsible for maintaining and producing for
42 inspection the original nursery invoice with certification
43 documentation. If ownership of the property is transferred, the
44 seller must notify the department and provide the buyer with a
45 copy of the special permit and copies of all invoices and
46 certification documentation 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
51 department as being a horticulturally true-to-type male plant
52 and be labeled with a source tree registration number. Each
53 nursery application for a special permit shall be accompanied by
54 a fee in an amount determined by the department, through its
55 rulemaking authority, not to exceed \$200. Special permits shall
56 be renewed annually. There shall be an annual fee as determined

57 by the department, through its rulemaking authority, not to
58 exceed \$50 for each *Casuarina cunninghamiana* registered as a
59 source tree. Nurseries may only sell *Casuarina cunninghamiana* to
60 a person with a special permit as specified in paragraphs (a)
61 and (b). The source tree registration numbers of the parent
62 plants must be documented on each invoice or other certification
63 documentation provided to the 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
73 windbreak must be completed within 6 months after the final
74 harvest of fruit for commercial sale. If the owner or person in
75 charge refuses or neglects to comply, the director of the
76 Division of Plant Industry or her or his authorized
77 representative may, under authority of the department, proceed
78 to destroy the plants. The expense of the destruction shall be
79 assessed, collected, and enforced against the owner by the
80 department. If the owner does not pay the assessed cost, the
81 department is authorized to record 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

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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
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
93 invasive plants, including Casuarina cunninghamiana, nor shall
94 any other agency or local government remove any Casuarina
95 cunninghamiana planted as a windbreak under special permit
96 issued by the department.

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