

House Bill No. 1853

An act relating to citrus canker; amending s. 581.184, F.S.; requiring the Department of Agriculture and Consumer Services to provide notice to property owners of the removal of citrus trees infected with or exposed to citrus canker; amending s. 581.1845, F.S.; revising eligibility for compensation and the compensation amount for citrus trees removed through a citrus canker eradication program; providing an effective date.

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

Section 1. Subsection (2) of section 581.184, Florida Statutes, is amended to read:

581.184 Adoption of rules; citrus canker eradication; voluntary destruction agreements.—

(2)(a) The department shall remove and destroy all infected citrus trees and all citrus trees exposed to infection. Notice of the removal of such trees, by immediate final order, shall ~~may~~ be provided to the owner of the property on which such trees are located. An immediate final order issued by the department pursuant to this section shall notify the property owner that the citrus trees that are the subject of the immediate final order will be removed and destroyed unless the property owner, no later than 10 days after delivery of the immediate final order pursuant to subsection (3), requests and obtains a stay of the immediate final order from the district court of appeal with jurisdiction to review such requests. The property owner shall not be required to seek a stay of the immediate final order by the department prior to seeking the stay from the district court of appeal.

~~(b) Notwithstanding the provisions of paragraph (a), and for the 2003-2004 fiscal year only, notice of the removal of infected citrus trees and citrus trees exposed to infection, by immediate final order, shall be provided to the owner of the property on which such trees are located. This paragraph expires July 1, 2004.~~

Section 2. Subsections (2), (3), and (6) of section 581.1845, Florida Statutes, are amended to read:

581.1845 Citrus canker eradication; compensation to homeowners whose trees have been removed.—

(2)(a) To be eligible to receive compensation under the program, a homeowner must:

(a)1. Be the homeowner of record on the date the trees were removed from the effective date of this act for residential property ~~where one or more citrus trees have been removed~~ as part of a citrus canker eradication program;

(b)2. Have had one or more citrus trees removed from the property by a tree-cutting contractor as part of a citrus canker eradication program on or after January 1, 1995; and

(c)3. Have received no commercial compensation and is not eligible to receive commercial compensation from the United States Department of Agriculture for citrus trees removed as part of a citrus canker eradication program.

~~(b) Notwithstanding subparagraph (a)1., and for compensation during the 2003-2004 fiscal year only, to be eligible to receive compensation under the program for residential property where one or more citrus trees have been removed on or after July 1, 2001, as part of a citrus canker eradication program, a homeowner must be the homeowner of record on the date the trees were removed. This paragraph expires July 1, 2004.~~

(3) The amount of compensation for each tree removed from residential property by the citrus canker eradication program shall be \$55 \$100 per tree. If the homeowner's property is eligible for a Shade Dade or a Shade Florida Card, the homeowner may not receive compensation under this section for the first citrus tree removed from the property as part of a citrus canker eradication program.

~~(6) For the 2003-2004 fiscal year only, and notwithstanding the \$100-compensation amount specified in subsection (3), the amount of compensation for each tree removed from residential property by the citrus canker eradication program shall be \$55. This subsection expires July 1, 2004.~~

Section 3. This act shall take effect July 1, 2004.

Approved by the Governor May 26, 2004.

Filed in Office Secretary of State May 26, 2004.