

## SPB Technical Advisory Committee Proposal

### Facts

- ❖ Current SPB outbreak in the Gainesville area is more serious than the 1994-1995 outbreak that killed 42,000 pines.
- ❖ Most owners of infested trees understand the need to destroy the developing beetles and make good efforts to comply with the area-wide beetle suppression program.
- ❖ There are a few tree owners (14 of 400 = 3.5%) who refuse or neglect to comply. Also, there are occasional cases of absentee owners who cannot be contacted in an expedient manner. Our inability to assure prompt treatment of infested trees on these properties unnecessarily prolongs the duration and severity of the outbreak.

### Proposal

1. The City and County Commissions request a Declaration of Emergency by the Commissioner of Agriculture.
2. The 10-day period for compliance begin with the delivery of the SPB information package by the DOF survey personnel.
3. In cases where owners refuse or neglect to treat infested trees in an acceptable manner, an SPB Risk Assessment Team will evaluate the situation and develop a site-specific treatment recommendation.
4. The Commissioner of Agriculture treat the infested trees in accordance with the power and authority conferred by Florida Statues 581.181(2).

To:

Proposal for Declaration of Emergency Procedures:

Proposal: The Southern Pine Beetle Technical Advisory Committee (SPBTAC) proposes the City of Gainesville Commission give authority to the SPBTAC to seek Declarations of Emergencies for properties where no action has been taken to bring infestations under control.

At the time the Division of Forestry identifies infested trees on a property, they will leave notification that the property owner has ten days to either render the trees incapable of spreading the infestation or produce a signed contract from a private company confirming that employees will perform whatever work is required to remove the pest from the property by a certain date. If the property is not owner occupied, a certified letter will be sent by the Division of Forestry communicating the same information. These letters will request that the property owner call the Division of Forestry as soon as the trees have been rendered incapable of spreading the infestation.

At the end of ten days, the Division of Forestry will return to the site and determine whether the infestation potential of the property has been neutralized. If pines on the site are still capable of spreading the infestation, then the property will be proposed to the Southern Pine Beetle Technical Advisory Committee (SPBTAC) or a subcommittee duly authorized by the SPBTAC for a Declaration of Emergency. If the SPBTAC decides such action is warranted, voucher samples will be taken by the Division of Plant Industry and a letter will be sent to the Commissioner of Agriculture asking for a Declaration of Emergency on the Property. If the Commissioner agrees, then an Immediate Final Order will be issued to the property owner to treat whatever pines are necessary to control the infestation. The property owner will then have five days to appeal this order. If no appeal is filed, then the Division of Plant Industry will hire a contractor to treat such pines as are necessary to suppress the infestation on the offending property.

CHAPTER 581  
PLANT INDUSTRY

**581.011 Definitions.--As used in this chapter:**

(25) "Plant pest" means any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or their reproductive parts, or viruses, or any organisms similar to or allied with any of the foregoing, including any genetically engineered organisms, or any infectious substances which can directly or indirectly injure or cause disease or damage in any plants or plant parts or any processed, manufactured, or other plant products.

**581.031 Department; powers and duties.--The department has the following powers and duties:**

(6) To declare a plant pest, noxious weed, or arthropod a nuisance as well as any plant or other thing infested or infected therewith or that has been exposed to infestation or infection and is therefore likely to contaminate other plants or things.

(9) To enter into cooperative arrangements with any person, municipality, county, and other department of this state and with boards, officers, and authorities of other states and the United States, including the United States Department of Agriculture, for the inspection of plants, plant parts, and plant products and the control or eradication of plant pests or noxious weeds and to contribute a just proportionate share of the expenses incurred under these arrangements.

(15)(a) To inspect plants, plant products, or other things and substances that may be capable of disseminating or carrying plant pests, noxious weeds, or arthropods, and for this purpose shall have power to enter into or upon any place and to open any bundle, package, or other container containing, or thought to contain, such material, and to take possession of such material if determined by the department to pose a threat to the agricultural or public interests of this state.

(17) To supervise, or cause to be supervised, the treatment, cutting, and destruction of plants, plant parts, fruit, soil, containers, equipment, and other articles capable of harboring plant pests, noxious weeds, or arthropods, if they are infested or located in an area which may be suspected of being infested or infected due to its proximity to a known infestation, or if they were reasonably exposed to infestation, to prevent or control the dissemination of or to eradicate plant pests, noxious weeds, or arthropods, and to make rules governing these procedures.

**581.111 Emergency.--**An emergency is any situation in which the department has declared a plant pest or noxious weed to be a public nuisance or when in the opinion of the department a plant pest or noxious weed endangers or threatens the horticultural and agricultural interest of the state.

**581.181 Notice of infection of plants; destruction.--**

(1) If the director or her or his authorized representative finds, on examination, any plant or plant product infested or infected with plant pests or noxious weeds, she or he shall notify in writing the owner or person having charge of the premises, and the owner or person in charge shall, within 10 days after the notice, cause the removal and destruction of the infested and infected plant or plant product if it cannot be successfully treated; otherwise, the owner or person in charge shall cause it to be treated as directed in the notice by the director or an authorized representative of the division. No damage shall be awarded to the owner for the destruction of the infested or infected plant or plant product under the provisions of this chapter.

(2) If the owner or person in charge refuses or neglects to comply with the terms of the notice within 10 days after receiving it, the director or her or his authorized representative may, under authority of the department, proceed to treat or destroy the infested or infected plant or plant product. The expense of the treatment or destruction shall be assessed, collected, and enforced against the owner by the department.