

SUPREME COURT OF FLORIDA

Haire v. Fla. Dep't of Agric. & Consumer Servs.

870 So. 2d 774 (Fla. 2004) · No. Nos. SC03-446, SC03-552 · Decided February 12, 2004

SUMMARY

The Supreme Court of Florida upheld the constitutionality of Florida's Citrus Canker Law, which authorized destruction of citrus trees within 1,900 feet of an infected tree. The court held that the law was a valid exercise of the state's police power and that the statutory compensation schedule established a floor rather than limiting owners to token compensation. The court also addressed due process and Fourth Amendment challenges arising from the citrus canker eradication program.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                              |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Florida                                                                                                                                                                                                                                                                     |
| WRITING FOR THE COURT | Justice Pariente; Chief Justice Anstead; Justice Lewis; Justice Quince; Justice Wells; Justice Bell; Justice Cantero                                                                                                                                                                         |
| JURISDICTION          | Florida                                                                                                                                                                                                                                                                                      |
| DECIDED               | February 12, 2004                                                                                                                                                                                                                                                                            |
| DOCKET                | Nos. SC03-446, SC03-552                                                                                                                                                                                                                                                                      |
| DISPOSITION           | approved                                                                                                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | Consolidated review of a Fourth District Court of Appeal decision that declared Florida's Citrus Canker Law constitutional and quashed trial-court restrictions concerning search-warrant applications and electronic signatures.                                                            |
| STANDARD OF REVIEW    | Substantive due process challenge reviewed under the reasonable-relationship or rational-basis test; legislative scientific judgments are not subject to courtroom fact-finding when the legislation concerns the State's police power. Search-warrant issues were reviewed for legal error. |
| PRECEDENTIAL VALUE    | Published, precedential opinion of the Supreme Court of Florida                                                                                                                                                                                                                              |
| PARTIES               | John M. Haire, et al., Brooks Tropical, Inc. v. Florida Department of Agriculture and Consumer Services                                                                                                                                                                                      |

TOPICS

substantive due process

procedural due process

takings clause

constitutional law

civil procedure

## PRACTICE AREAS

constitutional law

administrative law

property law

search and seizure

civil procedure

## QUESTIONS PRESENTED

1. Whether the Citrus Canker Law's authorization to destroy healthy but exposed citrus trees within 1,900 feet of an infected tree violates substantive due process.
2. Whether the statutory compensation scheme provides sufficient compensation to permit review under the rational-basis standard rather than the heightened standard applicable to uncompensated destruction of property.
3. Whether immediate final orders authorizing tree removal without a pre-deprivation hearing violate procedural due process.
4. Whether a single affidavit may support search warrants for multiple specifically described properties.
5. Whether a magistrate may validly affix an electronic signature to a search warrant.

## HOLDINGS

1. Section 581.184, Florida Statutes (2003), is a valid exercise of the State's police power and does not violate substantive due process because destruction of exposed citrus trees within the 1,900-foot radius bears a reasonable relationship to the legitimate governmental objective of eradicating citrus canker.
2. The statutory compensation schedule establishes a compensation floor and does not limit the State's obligation to pay full and just compensation as determined by a court.
3. The Citrus Canker Law does not violate procedural due process by authorizing removal through an immediate final order without a pre-deprivation hearing.
4. A magistrate may issue multiple search warrants for multiple specifically described properties based on a single affidavit and application when the affidavit establishes probable cause as to each property.
5. Absent a statute or rule prescribing another method, a magistrate may validly execute a search warrant using an electronic signature.

## KEY QUOTATIONS

*“where compensation is given, the statute need only pass the reasonable relationship test.”* (at 784)

*“When the State destroys private property, the State is obligated to pay just and fair compensation as determined in a court of law.”* (at 785-786)

*“Destruction of exposed trees and those within the area where the disease is likely to spread is neither arbitrary nor capricious and bears a reasonable relationship to the goal of canker eradication.”* (at 787)

*“Because the State has chosen to pay compensation for those healthy but exposed trees that are destroyed under the Citrus Canker Eradication Program, under our deferential standard of review we must defer to the*

*Legislature's evaluation of the relevant scientific evidence and to the Legislature's choice of means to eradicate citrus canker.” (at 790)*

## FACTUAL BACKGROUND

Citrus canker is a contagious bacterial disease spread primarily by wind-driven rain and contaminated equipment or plant material. After determining that a 125-foot eradication radius captured only approximately 30 to 41 percent of newly infected trees, the Department adopted a 1,900-foot buffer zone based on a scientific study and the recommendation of a technical advisory task force. The Citrus Canker Law authorized destruction of infected trees and trees within 1,900 feet of infected trees, with statutory compensation for eligible homeowners.

## PROCEDURAL HISTORY

The trial court held the Citrus Canker Law unconstitutional, relying in part on its view that the scientific basis for the 1,900-foot eradication radius was unsound, and imposed restrictions on the Department's search-warrant practices. The Fourth District reversed the constitutional ruling, upheld the statute against substantive and procedural due-process challenges, and quashed the search-warrant restrictions. The Supreme Court of Florida approved the Fourth District's decision.

## DISPOSITION

approved

## CASES CITED

- Fla. Dep't of Agric. & Consumer Servs. v. Haire, 836 So. 2d 1040 (Fla. 4th DCA 2003)
- Fla. Dep't of Agric. & Consumer Servs. v. City of Pompano Beach, 792 So. 2d 539 (Fla. 4th DCA 2001)
- Corneal v. State Plant Board, 95 So. 2d 1 (Fla. 1957)
- Joint Ventures, Inc. v. Dep't of Transp., 563 So. 2d 622 (Fla. 1990)
- State Plant Board v. Smith, 110 So. 2d 401 (Fla. 1959)
- Dep't of Agric. & Consumer Servs. v. Bonanno, 568 So. 2d 24 (Fla. 1990)
- Dep't of Agric. & Consumer Servs. v. Mid-Florida Growers, Inc., 521 So. 2d 101 (Fla. 1988)
- Denney v. Conner, 462 So. 2d 534 (Fla. 1st DCA 1985)
- Nordmann v. Fla. Dep't of Agric. & Consumer Servs., 473 So. 2d 278 (Fla. 5th DCA 1985)
- Carlton v. State, 449 So. 2d 250 (Fla. 1984)
- In re Amendments to the Rules of Judicial Administration—Rule 2.090, 681 So. 2d 698 (Fla. 1996)