

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2003

ROBERT KIRCHGESSNER AND JANETTE
KIRCHGESSNER,

Appellant,

v.

Case No. 5D03-775

FLORIDA DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES,

Appellee.

_____ /

Opinion filed July 8, 2003.

Administrative Appeal from the
Florida Department of Agriculture
and Consumer Services.

Robert W. and Janette L. Kirchgessner,
Orlando, Pro Se.

Wesley R. Parsons and Jack R. Reiter of
Adorno & Yoss, P. A., Miami , for Appellee.

PER CURIAM.

Robert and Janette Kirchgessner appeal a final order issued by the Florida Department of Agriculture and Consumer Services, advising them that their citrus trees would be destroyed because the trees were either infected with citrus canker or were located within 1,900 feet of a canker-infested tree. We affirm the Department's order based on Florida Department of Agriculture and Consumer Services v. Haire, 836 So. 2d 1040 (Fla. 4th DCA), review granted, 842 So. 2d 844 (Fla. 2003). This affirmance is without prejudice to seek just compensation for the destruction of the trees having value, or such other relief as may be

appropriate. Id. at 1050. The stay entered by the court is lifted.

AFFIRMED.

THOMPSON, PLEUS and ORFINGER, JJ., concur.