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States' Noxious Weed Statutes and Regulations:

Florida



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States' Noxious Weed Statutes: Florida

2012 Florida Statutes

Title XXXV - Agriculture, Horticulture, and Animal Industry

Chapter 581 – Plant Industry

581.091 Noxious weeds and infected plants or regulated articles; sale or distribution; receipt; information to department; withholding information.

(1) It is unlawful for any person to knowingly sell, offer for sale, or distribute any noxious weed, or any plant or plant product or regulated article infested or infected with any plant pest declared, by rule of the department, to be a public nuisance or a threat to the state's agricultural and horticultural interests.

(2) Any person who knows or reasonably should know that such person possesses or has knowingly received any noxious weed or any plant, plant product, or regulated article sold, given away, carried, shipped, or delivered for carriage or shipment in violation of the provisions of this chapter or the rules adopted thereunder shall immediately inform the department and isolate and hold the weed, plant, plant product, or other thing unopened or unused subject to inspection or other disposition as may be provided by the department.

(3) It is unlawful for any person to fail to disclose or withhold available information regarding any infected or infested plant, plant product, regulated article, or noxious weed.

(4) The department, in conjunction with the Institute of Food and Agricultural Sciences at the University of Florida, shall biennially review the official state lists of noxious weeds and invasive plants as provided for under this chapter and department rules. The plants listed in s. 369.251 shall be incorporated into the department lists as provided for under this chapter. A water management district when identifying by rule pursuant to s. 373.185, or a local government when identifying by ordinance or regulation adopted on or after March 1, 2002, a list of noxious weeds, invasive plants, or plants deemed to be a public nuisance or threat, shall only adopt the lists developed under this chapter or rules adopted thereunder. All local government ordinances or regulations, adopted prior to March 1, 2002, that list noxious weeds or invasive plants shall remain in effect. All local ordinances or regulations requiring the removal of invasive plants or noxious weeds from publicly or privately owned conservation areas or preserves shall be exempt from the limitations in this subsection.

(5)(a) Notwithstanding any other provision of state law or rule, a person may obtain a special permit from the department to plant *Casuarina cunninghamiana* as a windbreak for a commercial citrus grove provided the plants are produced in an authorized registered nursery and certified by the department as being vegetatively propagated from male plants. A “commercial citrus grove” means a contiguous planting of 100 or more citrus trees where citrus fruit is produced for sale.

(b) For a 5-year period, special permits authorizing a person to plant *Casuarina cunninghamiana* shall be issued only as part of a pilot program for fresh fruit groves in areas of Indian River, St. Lucie, and Martin Counties where citrus canker is determined by the department to be widespread. The pilot program shall be reevaluated annually, and a comprehensive review shall be conducted in 2013. The purpose of the annual and 5-year reviews is to determine if the use of *Casuarina cunninghamiana* as an agricultural pest and disease windbreak poses any adverse environmental consequences. At the end of the 5-year pilot program, if the Noxious Weed and Invasive Plant Review Committee, created by the department, and the Department of Environmental Protection, in consultation with a representative of the citrus industry who has a *Casuarina cunninghamiana* windbreak, determine that the potential is low for adverse environmental impacts from planting *Casuarina cunninghamiana* as windbreaks, the department may, by rule, allow the use of *Casuarina cunninghamiana* windbreaks for commercial citrus groves in other areas of the state. If it is determined at the end of the 5-year pilot program that additional time is needed to further evaluate *Casuarina cunninghamiana*, the department will remain the lead agency.

(c) Each application for a special permit shall be accompanied by a fee in an amount determined by the department, by rule, not to exceed \$500. A special permit shall be required for each noncontiguous commercial citrus grove and shall be renewed every 5 years. The property owner is responsible for maintaining and producing for inspection the original nursery invoice with certification documentation. If ownership of the property is transferred, the seller must notify the department and provide the buyer with a copy of the special permit and copies of all invoices and certification documentation prior to the closing of the sale.

(d) Each application shall include a baseline survey of all lands within 500 feet of the proposed *Casuarina cunninghamiana* windbreak showing the location and identification to species of all existing *Casuarina* spp.

(e) Nurseries authorized to produce *Casuarina cunninghamiana* must obtain a special permit from the department certifying that the plants have been vegetatively propagated from sexually mature male source trees currently grown in the state. The importation of *Casuarina cunninghamiana* from any area outside the state to be used as a propagation source tree is prohibited. Each male source tree must be registered by the department as being a horticulturally true-to-type male plant and be labeled with a source tree registration number. Each nursery application for a special permit shall be accompanied by a fee in an amount determined by the department, by rule, not to exceed \$200. Special permits shall be renewed annually. The department shall, by rule, set the

amount of an annual fee, not to exceed \$50, for each *Casuarina cunninghamiana* registered as a source tree. Nurseries may only sell *Casuarina cunninghamiana* to a person with a special permit as specified in paragraphs (a) and (b). The source tree registration numbers of the parent plants must be documented on each invoice or other certification documentation provided to the buyer.

(f) All *Casuarina cunninghamiana* must be destroyed by the property owner within 6 months after:

1. The property owner takes permanent action to no longer use the site for commercial citrus production;
2. The site has not been used for commercial citrus production for a period of 5 years; or
3. The department determines that the *Casuarina cunninghamiana* on the site has become invasive. This determination shall be based on, but not limited to, the recommendation of the Noxious Weed and Invasive Plant Review Committee and the Department of Environmental Protection and in consultation with a representative of the citrus industry who has a *Casuarina cunninghamiana* windbreak.

If the owner or person in charge refuses or neglects to comply, the director or her or his authorized representative may, under authority of the department, proceed to destroy the plants. The expense of the destruction shall be assessed, collected, and enforced against the owner by the department. If the owner does not pay the assessed cost, the department may record a lien against the property.

(g) The use of *Casuarina cunninghamiana* for windbreaks shall not preclude the department from issuing permits for the research or release of biological control agents to control *Casuarina* spp. in accordance with s. 581.083.

(h) The use of *Casuarina cunninghamiana* for windbreaks shall not restrict or interfere with any other agency or local government effort to manage or control noxious weeds or invasive plants, including *Casuarina cunninghamiana*, nor shall any other agency or local government remove any *Casuarina cunninghamiana* planted as a windbreak under special permit issued by the department.

(i) The department shall develop and implement a monitoring protocol to determine invasiveness of *Casuarina cunninghamiana*. The monitoring protocol shall, at a minimum, require:

1. Inspection of the planting site by department inspectors within 30 days following initial planting or any subsequent planting of *Casuarina cunninghamiana* to ensure the criteria of the special permit have been met.
2. Annual site inspections of planting sites and all lands within 500 feet of the planted windbreak by department inspectors who have been trained to identify *Casuarina* spp. and to make determinations of whether *Casuarina cunninghamiana* has spread beyond the permitted windbreak location.
3. Any new seedlings found within 500 feet of the planted windbreak to be removed, identified to the species level, and evaluated to determine if hybridization has occurred.

4. The department to submit an annual report and a final 5-year evaluation identifying any adverse effects resulting from the planting of *Casuarina cunninghamiana* for windbreaks and documenting all inspections and the results of those inspections to the Noxious Weed and Invasive Plant Review Committee, the Department of Environmental Protection, and a designated representative of the citrus industry who has a *Casuarina cunninghamiana* windbreak.

(j) If the department determines that female flowers or cones have been produced on any *Casuarina cunninghamiana* that have been planted under a special permit issued by the department, the property owner shall be responsible for destroying the trees. The department shall notify the property owner of the timeframe and method of destruction.

(k) If at any time the department determines that hybridization has occurred during the pilot program between *Casuarina cunninghamiana* planted as a windbreak and other *Casuarina* spp., the department shall expeditiously initiate research to determine the invasiveness of the hybrid. The information obtained from this research shall be evaluated by the Noxious Weed and Invasive Plant Review Committee, the Department of Environmental Protection, and a designated representative of the citrus industry who has a *Casuarina cunninghamiana* windbreak. If the department determines that the hybrids have a high potential to become invasive, based on, but not limited to, the recommendation of the Noxious Weed and Invasive Plant Review Committee, the Department of Environmental Protection, and a designated representative of the citrus industry who has a *Casuarina cunninghamiana* windbreak, this pilot program shall be permanently suspended.

(l) Each application for a special permit must be accompanied by a fee as described in paragraph (c) and an agreement that the property owner will abide by all permit conditions including the removal of *Casuarina cunninghamiana* if invasive populations or other adverse environmental factors are determined to be present by the department as a result of the use of *Casuarina cunninghamiana* as windbreaks. The application must include, on a form provided by the department, the name of the applicant and the applicant's address or the address of the applicant's principal place of business; a statement of the estimated cost of removing and destroying the *Casuarina cunninghamiana* that is the subject of the special permit; and the basis for calculating or determining that estimate. If the applicant is a corporation, partnership, or other business entity, the applicant must also provide in the application the name and address of each officer, partner, or managing agent. The applicant shall notify the department within 30 business days of any change of address or change in the principal place of business. The department shall mail all notices to the applicant's last known address.

1. Upon obtaining a permit, the permitholder must annually maintain the *Casuarina cunninghamiana* authorized by a special permit as required in the permit. If the permitholder ceases to maintain the *Casuarina cunninghamiana* as required by the special permit, if the permit expires, or if the permitholder ceases to abide by the conditions of the special permit, the permitholder shall remove and destroy the *Casuarina cunninghamiana* in a timely manner as specified in the permit.

2. If the department:

- a. Determines that the permitholder is no longer maintaining the *Casuarina cunninghamiana* subject to the special permit and has not removed and destroyed the *Casuarina cunninghamiana* authorized by the special permit;
- b. Determines that the continued use of *Casuarina cunninghamiana* as windbreaks presents an imminent danger to public health, safety, or welfare; or
- c. Determines that the permitholder has exceeded the conditions of the authorized special permit;

The department may issue an immediate final order, which shall be immediately appealable or enjoinable as provided by chapter 120, directing the permitholder to immediately remove and destroy the *Casuarina cunninghamiana* authorized to be planted under the special permit. A copy of the immediate final order shall be mailed to the permitholder.

3. If, upon issuance by the department of an immediate final order to the permitholder, the permitholder fails to remove and destroy the *Casuarina cunninghamiana* subject to the special permit within 60 days after issuance of the order, or such shorter period as is designated in the order as public health, safety, or welfare requires, the department may remove and destroy the *Casuarina cunninghamiana* that are the subject of the special permit. If the permitholder makes a written request to the department for an extension of time to remove and destroy the *Casuarina cunninghamiana* that demonstrates specific facts showing why the *Casuarina cunninghamiana* could not reasonably be removed and destroyed in the applicable timeframe, the department may extend the time for removing and destroying *Casuarina cunninghamiana* subject to a special permit. The reasonable costs and expenses incurred by the department for removing and destroying *Casuarina cunninghamiana* subject to a special permit shall be paid out of the Citrus Inspection Trust Fund and shall be reimbursed by the party to which the immediate final order is issued. If the party to which the immediate final order has been issued fails to reimburse the state within 60 days, the department may record a lien on the property. The lien shall be enforced by the department.

4. In order to carry out the purposes of this paragraph, the department or its agents may require a permitholder to provide verified statements of the planted acreage subject to the special permit and may review the permitholder's business or planting records at her or his place of business during normal business hours in order to determine the acreage planted. The failure of a permitholder to furnish such statement or to make such records available is cause for suspension of the special permit. If the department finds such failure to be willful, the special permit may be revoked.

581.101 Quarantines; declaration; confiscation of contraband; removal or tampering with tag or certificate.

- (1) When the department under the provisions of this chapter declares a quarantine against any place, nursery, grove, orchard, or county of this state, another state, a territory, or a foreign country as to a plant pest or noxious weed or genetically engineered plant or plant pest organism, or an arthropod, it is unlawful, until the quarantine is removed, for any person to introduce into this state, or to move or dispose of within this state, any plant, plant product, or other thing included in the quarantine, except as allowed by rules of the department.
- (2) Any plant, plant product, or other thing included under a quarantine which is moved or disposed of within the state in violation of this section, and any plant propagated from such plant, plant product, or other thing, is contraband and shall be confiscated and destroyed by the department without compensation.
- (3) It is unlawful for any person to remove from any plant or plant product any official quarantine tag or certificate of the department, or to destroy or disguise any such tag or certificate, without prior authorization from an authorized representative of the department.

581.211. Penalties for violations

- (1) Any person who:
 - (a) Violates any provision of this chapter or the rules adopted under this chapter;
 - (b) Forges, counterfeits, removes, destroys, disguises, or wrongfully or improperly uses any tag, certificate, permit, compliance agreement, or other written agreement provided for in this chapter;
 - (c) Interferes with or obstructs any director or authorized representative of the department in the performance of her or his duties;
 - (d) Willfully refuses to identify the origin and source of any plant, plant product, or other thing likely to carry plant pests, noxious weeds, or arthropods; or
 - (e) Has in her or his possession unauthorized imported plants or plant products, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
- (2) Any person who imports from other states, territories, or countries, without a special permit from the Division of Plant Industry, plants or propagative plant parts of the subfamily Aurantioideae (after Swingle and Reese which includes all species of citrus) commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) 1. In addition to any other provision of law, the department may, after notice and hearing, impose an administrative fine pursuant to s. 570.971 in the Class II category for each violation of this chapter, upon a person, nurseryman, stock dealer, agent, or plant broker. The fine, when paid, shall be deposited in the Plant Industry Trust Fund. In addition, the department may place the violator on probation for up to 1 year, with conditions.

2. The imposition of a fine or probation pursuant to this subsection may be in addition to or in lieu of the suspension or revocation of a certificate of registration or certificate of inspection.

(b) Whenever any administrative order has been entered by the department imposing a fine or probation upon any person pursuant to this subsection, the order shall specify the conditions and time limit for probation, and the amount of the fine and time limit for payment which shall not exceed 15 days. If the person fails to meet the conditions of probation or to pay the fine within the established time, the person's certificate of registration or certificate of inspection may be suspended or revoked, and a fine of \$100 per day imposed for each day the violation continues.

(4) A person who knowingly acquires, imports, possesses, sells or offers to sell, trades or offers to trade, barter or offers to barter, moves or causes to be moved, introduces, or releases a plant pest without a special permit from the division:

(a) Commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083;

(b) Is subject to an administrative fine pursuant to s. 570.971 in the Class II category for each violation of this chapter;

(c) May have a certificate of registration or certificate of inspection suspended or revoked; and

(d) Is liable for the payment of all reasonable costs and expenses incurred by the department in a pest control or eradication program. Moneys collected pursuant to this section shall be deposited into the Plant Industry Trust Fund.

(5) A person who knowingly acquires, imports, possesses, sells or offers to sell, trades or offers to trade, barter or offers to barter, moves or causes to be moved, introduces, or releases a plant pest without a special permit from the division that results in the issuance of a declaration of an agricultural emergency by the Commissioner of Agriculture or the implementation of a control or eradication program by the department or the United States Department of Agriculture:

(a) Commits a felony of the second degree, punishable as provided in s. 775.082 or s. 775.083;

(b) Is subject to an administrative fine pursuant to s. 570.971 in the Class IV category for each violation of this chapter;

(c) May have a certificate of registration or certificate of inspection suspended or revoked; and

(d) Is liable for the payment of all reasonable costs and expenses incurred by the department in a plant pest control or eradication program. Moneys collected pursuant to this section shall be deposited into the Plant Industry Trust Fund.

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.

(3) This section does not apply to plants or plant products infested with pests or noxious weeds that are determined to be widely established within the state and are not specifically regulated under rules adopted by the department or under any other provision of law.

Florida Administrative Code

CHAPTER 5B-57

Introduction or release of plant pests,

Noxious weeds, arthropods, and biological control agents

5B-57.001 Definitions.

(1) For the purpose of this rule chapter, the definitions in Section 581.011, F.S., and following definitions shall apply:

(a) Beneficial Organisms. Any organism which benefits Florida's native or agricultural plants, or benefits one without adversely impacting the other, by improving plant health or growth, or which may adversely affect pest species such as arthropods, fungi, bacteria, viruses, and nematodes.

(b) Biological Control Agent. Any biological agent such as bacteria, fungi, viruses, arthropods, parasitoids, parasites, nematodes, and predators that adversely affects pest species.

(c) Contiguous. Two or more plantings of non-native plants with a common boundary or a parcel of land that has been separated or divided into more than one planting of non-native plants whether separated or divided by a roadway or any other area not under cultivation with non-native plants.

(d) Department. The Florida Department of Agriculture and Consumer Services.

(e) International Movement. Movement into Florida from any country or area outside the United States.

(f) Interstate Movement. Movement into Florida from another state or U.S. possession.

(g) Intrastate Movement. Movement within the state of Florida.

(h) Invasive Plant. A naturalized plant that disrupts naturally occurring native plant communities by altering structure, composition, natural processes or habitat quality.

(i) Natural Dispersion. Movement of an aquatic plant by meteorological, biological, hydrological, or any other natural process.

(j) Naturalized Plant. A plant that is reproducing spontaneously outside of cultivation and outside its native range.

(k) Nematode. A small unsegmented worm in all of its life stages in the Phylum Nematoda.

(l) Non-Native Species. Any non-native plants, algae, or blue-green algae, including genetically engineered plants, algae, or blue-green algae in plantings greater in size than two contiguous acres.

(m) Non-Native Species Permit. A permit issued by the Department authorizing a non-native species planting.

(n) Non-Native Species Planting. The cultivation or production of a nonnative plants, algae, or blue-green algae, including a genetically engineered plants, algae, or blue-green algae in plantings greater in size than two contiguous acres.

(o) Noxious Aquatic Plant. As defined in section 369.25 F.S.

(p) Noxious Weed. Any living stage, including, but not limited to, seeds and

reproductive parts, of a parasitic or other plants of a kind, or subdivision of a kind, which may be a serious agricultural threat in Florida, or have a negative impact on the plant species protected under section 581.185, F.S., or if the plant is a naturalized plant that disrupts naturally occurring native plant communities.

(q) Noxious Weed and Invasive Plant Review Committee. A committee appointed by the Department, in accordance with Section 570.0705, F.S., to review the Noxious Weed and Invasive Plant List in subsection 5B-57.010(2), F.A.C., as provided for in Section 581.091(4), F.S.

(r) Permit. An official document issued by the Department or the USDA allowing, under specific conditions, the entry or field release of plant pests, noxious weeds, invasive plants, arthropods, and biological control agents, defining the conditions under which such activities will be allowed, and containing specific instructions for inspection, movement, and containment.

(s) Synonym. A scientific or common name, other than the approved name, which applies to the same plant.

(t) USDA. The United States Department of Agriculture.

(2) The purpose of this rule chapter is to control the introduction into, or movement or spread within this state of any plant pest, noxious weed, or arthropod, and to establish procedures under which the field release of plant pests, noxious weeds, arthropods, and biological control agents or non-native species plantings are permitted. Such procedures will assist in confirming that introductions and field releases are conducted in a manner which provides for public and environmental protection.

5B-57.004 Introduction, Possession or Movement of Arthropods, Biological Control Agents, Plant Pests, Noxious Weeds, and Invasive Plants, Regulated by the Department.

(1) It is unlawful to introduce, multiply, possess, move, or release any arthropod, plant pest, biological control agent, noxious weed, or invasive plant regulated by the Department or the USDA except under permit issued by the Department unless a federal permit, PPQ 526, has been issued by the USDA with concurrence by the Department. No permit shall be issued nor concurrence with a federal permit, PPQ 526 made unless the Department has determined that the arthropod, plant pest, biological control agent, noxious weed, or invasive plant can be contained to prevent escape into the environment or that it will not pose a threat to agriculture, beneficial organisms, or the environment or become a public nuisance. If the possession of a plant listed in Rule 5B-57.007, F.A.C., has resulted from natural dispersion and there is neither danger of nor intent to further disperse the plant, then no permit is required. Any person transporting noxious or prohibited aquatic plants for disposal shall not be required to possess a permit pursuant to this chapter; however, disposal shall be carried out in such a manner that there is no further spread of the the plant species and no contamination of any waterbody of the state. In the case of biological control agents, they must be specialized to the target pest or pests. The Department's evaluation of permit applications may rely on findings of the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the USDA, the University of Florida, or any other State or Federal agency with expertise in these areas. In cases where there is inadequate

information about the potential environmental impact of importing or releasing an organism, the Department will require the applicant to provide evidence that the accidental escape of organisms not intended for release would not be hazardous to Florida or U.S. agriculture, beneficial organisms, the public, or the environment and to provide contingency plans for containment should escape occur. The application procedures for permits are as follows:

(2) Unless a USDA permit 526 has been issued, anyone seeking a permit shall submit a completed Application and Permit to Move Organisms Regulated by the State of Florida, FDACS 08208 (Rev. 01/13), to the Division of Plant Industry, P.O. Box 147100, Gainesville, FL 32614-7100. The form Application and Permit to Move Organisms Regulated by the State of Florida, FDACS 08208 (Rev. 01/13), is hereby adopted and incorporated by reference and may be obtained by writing the Division of Plant Industry at P.O. Box 147100, Gainesville, FL 32614-7100 or online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-02819>.

(3) The completed application for permit shall be submitted to the Department for evaluation and approval or disapproval.

(4) Following approval by the Department, a permit (Application and Permit to Move Organisms Regulated by the State of Florida, FDACS 08208, Rev. 01/13) shall be issued. The conditions under which movement, introduction, possession, or release is permitted, and the length of time for which the permit is valid, will be specified on the permit.

(5) Failure to comply with permit requirements shall subject the permit to revocation by the Director of the Division of Plant Industry. Where the Director has revoked a permit for non-compliance with permit requirements, the permitted organism involved shall be seized by the Department if it is determined to pose a threat to the agricultural, horticultural, environmental, or public interests of the state as provided for in Section 581.031(15)(a), F.S.

5B-57.006 Regulation and Control of Noxious Weeds and Invasive Plants in Florida.

The Department, in addition to regulating the movement of the noxious weeds and invasive plants contained in Rule 5B-57.007, F.A.C., shall cooperate with the USDA, the Florida Department of Environmental Protection, and other appropriate parties to eradicate or control noxious weeds and invasive plants that are established in the State and are determined by the Department to be a nuisance or threat due to undesirable characteristics such as poisonous properties, or invasive or rapid reproductive tendencies. The eradication and control strategies developed shall be based on available science for each plant species considered for action. Eradication and control strategies include the use of biological control agents, integrated pest management, chemical control, and mechanical removal. The Department's involvement in eradication and control programs for noxious weeds and invasive plants will be carried out within the scope of statutory authority and available resources.

5B-57.007 Noxious Weed List.

(1) The following plants shall be considered noxious for the purpose of this rule chapter.

- (a) *Abrus precatorius* – rosary pea
- (b) *Aeginetia* spp. – aeginetia
- (c) *Ageratina adenophora* – crofton weed
- (d) *Alectra* spp. – alectra
- (e) *Alternanthera philoxeroides* – alligatorweed, green lead plant
- (f) *Alternanthera sessilis* – sessile joyweed
- (g) *Ardisia crenata* – coral ardisia
- (h) *Ardisia elliptica* – shoebutton ardisia
- (i) *Asphodelus fistulosus* – onionweed
- (j) *Avena sterilis* – animated oat, wild oat
- (k) *Borreria alata* – broadleaf buttonweed
- (l) *Carthamus oxyacantha* – wild safflower
- (m) *Casuarina cunninghamiana* – river sheoak
- (n) *Casuarina equisetifolia* – Australian pine
- (o) *Casuarina glauca* – suckering Australian pine
- (p) *Casuarina* spp. – Australian Pine
- (q) *Chrysopogon aciculatus* – pilipiliula
- (r) *Colubrina asiatica* – latherleaf
- (s) *Commelina benghalensis* – benghal dayflower
- (t) *Crassula helmsii* - swamp stone crop
- (u) *Crupina vulgaris* – common crupina
- (v) *Cupaniopsis anacardioides* – carrotwood

(w) *Cuscuta* spp. Only the native Florida species are excluded from this list. These include:

1. *C. americana* – American dodder
2. *C. compacta* – compact dodder
3. *C. exaltata* – tall dodder
4. *C. gronovii* – scaldweed

5. *C. indecora* – bigseed alfalfa dodder
6. *C. obtusiflora* – Peruvian dodder
7. *C. pentagona* – fiveangled dodder
8. *C. umbellata* – flatglobe dodder
- (x) *Digitaria scalarum* – African couchgrass, fingergrass
- (y) *Digitaria velutina* – velvet fingergrass, annual couchgrass
- (z) *Dioscorea alata* – winged yam
- (aa) *Dioscorea bulbifera* – air potato
- (bb) *Dolichandra unguis-cati* – cat's claw vine
- (cc) *Drymaria arenarioides* – lightning weed
- (dd) *Eichhornia* spp. – waterhyacinth
- (ee) *Emex australis* – three-corner jack
- (ff) *Emex spinosa* – devil's thorn
- (gg) *Euphorbia prunifolia* – painted euphorbia
- (hh) *Galega officinalis* – goat's rue
- (ii) *Heracleum mantegazzianum* – giant hogweed
- (jj) *Hydrilla verticillata* – hydrilla, Florida elodea, stargrass, oxygen grass
- (kk) *Imperata brasiliensis* – Brazilian satintail
- (ll) *Imperata cylindrica* – cogongrass
- (mm) *Ipomoea aquatica* – water spinach
- (nn) *Ipomoea fistulosa* – bush morning glory
- (oo) *Ipomoea triloba* – little bell, aiea morning glory
- (pp) *Ischaemum rugosum* – murainograss
- (qq) *Lagarosiphon* spp. – African elodea
- (rr) *Leptochloa chinensis* – Asian sprangletop
- (ss) *Leucaena leucocephala* – lead tree
- (tt) *Ligustrum sinense* – Chinese privet, except the cultivars 'Variegatum' and 'Sunshine'
- (uu) *Limnocharis flava* – Sawah flowing rush
- (vv) *Lonicera japonica* – Japanese honeysuckle

(ww) *Lycium ferocissimum* – African boxthorn
(xx) *Lygodium japonicum* – Japanese climbing fern
(yy) *Lygodium microphyllum* – small-leaved climbing fern
(zz) *Lythrum salicaria* – purple loosestrife
(aaa) *Melaleuca quinquenervia* – melaleuca
(bbb) *Melastoma malabathricum* – Indian rhododendron
(ccc) *Mikania cordata* – mile-a-minute
(ddd) *Mikania micrantha* – climbing hempweed
(eee) *Mimosa invisa* – giant sensitive plant
(fff) *Mimosa pigra* – catclaw mimosa
(ggg) *Monochoria hastata* – arrow leaf false pickerelweed
(hhh) *Monochoria vaginalis* – heartshape false pickerelweed
(iii) *Myriophyllum spicatum* – Eurasian watermilfoil
(jjj) *Nassella trichotoma* – serrated tussock
(kkk) *Nechamandra alternifolia* – Indian oxygen-weed
(lll) *Neyraudia reynaudiana* – burma reed
(mmm) *Nymphoides cristata* – crested floating heart
(nnn) *Nymphoides peltata* – yellow floating heart
(ooo) *Opuntia aurantiaca* – jointed prickly pear
(ppp) *Orobanche* spp. – broomrapes, with the exception of *O. uniflora* – oneflowered broomrape.
(qqq) *Oryza longistaminata* – red rice
(rrr) *Oryza punctata* – red rice
(sss) *Oryza rufipogon* – wild red rice
(ttt) *Paederia cruddasiana* – sewer-vine
(uuu) *Paederia foetida* – skunk-vine
(vvv) *Paspalum scrobiculatum* – kodomillet
(www) *Pennisetum clandestinum* – kikuyu grass
(xxx) *Pennisetum macrourum* – African feathergrass
(yyy) *Pennisetum pedicellatum* – kyasuma grass

(zzzz) *Pennisetum polystachyon* – missiongrass, thin napiergrass

(aaaa) *Pontederia rotundifolia* – tropical pickerelweed

(bbbb) *Prosopis* spp. – mesquite

(cccc) *Pueraria montana* – kudzu

(dddd) *Rhodomyrtus tomentosa* – downy rosemyrtle

(eeee) *Rottboellia cochinchinensis* – itchgrass

(ffff) *Rubus fruticosus* – bramble blackberry

(gggg) *Rubus molluccanus* – wild raspberry

(hhhh) *Saccharum spontaneum* – wild sugarcane

(iiii) *Salsola vermiculata* – wormleaf salsola

(jjjj) *Salvinia* spp.(excluding *S. minima* – watermoss

(kkkk) *Sapium sebiferum* – Chinese tallow tree

(llll) *Scaevola taccada* – beach naupaka

(mmmm) *Schinus terebinthifolius* – Brazilian pepper-tree

(nnnn) *Setaria pallidifusca* – cattail grass

(oooo) *Solanum tampicense* – wetland nightshade

(pppp) *Solanum torvum* – turkeyberry

(qqqq) *Solanum viarum* – tropical soda apple

(rrrr) *Sparganium erectum* – exotic bur-reed

(ssss) *Stratiotes aloides* – water-aloe, soldier-plant

(tttt) *Trapa* spp. – water chestnut

(uuuu) *Tridax procumbens* – coat buttons

(vvvv) *Urochloa panicoides* – liverseed grass

(www) *Vitex rotundifolia* – beach vitex

(xxxx) *Vossia cuspidata* – hippo grass

(2) Prohibited Aquatic Plants – These species are considered to be highly invasive and noxious in localized areas of the State of Florida. These plants may be cultured in a nursery regulated by the Department of Agriculture and Consumer Services pursuant to Sections 581.031, 581.131 and 581.145, F.S., and shall only be sold out of state upon approval by the department. These species shall not be imported or collected from the wild. They must be contained in such a manner so as to prevent the dissemination from the nursery premises.

- (a) *Hygrophila polysperma* – hygro
- (b) *Limnophila sessiliflora* – ambulia
- (c) *Pistia stratiotes* – waterlettuce

(3) The noxious weed list and the prohibited aquatic plant list comprises the most recent and accepted scientific and common names of the prohibited plant species. However, the prohibited status also applies to any synonyms.

5B-57.010. Noxious Weed and Invasive Plant Classification Procedures.

(1) The Department will propose the classification of a plant as a noxious weed or invasive plant and its inclusion on the Noxious Weed and Invasive Plant List, Rule 5B-57.007, F.A.C., if the plant is determined to be a serious agricultural threat in Florida, or have a negative impact on the plant species protected under Section 581.185 F.S., or if the plant is a naturalized plant that disrupts naturally occurring native communities. In making these determinations, the Department will utilize information provided by the Institute of Food and Agricultural Sciences (IFAS) at the University of Florida or other experts that biologically justify the classification of a plant as a noxious weed or invasive plant based upon the best and currently available information. Anyone seeking to include or exclude plants from the Noxious Weed List in Rule 5B-57.007, F.A.C., shall submit a completed Application for Inclusion to or Exclusion from the Noxious Weed List, FDACS 08215, Rev. 07/15, to the Division of Plant Industry, P.O. Box 147100, Gainesville, FL 32614-7100. The form Application for Inclusion to or Exclusion from the Noxious Weed List, FDACS 08215, Rev. 07/15, is herein incorporated by reference and may be obtained online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-12182>. For cultivars of a listed plant to be exempted, the Department will confer with IFAS on the following: evidence of sterility and inability to cross pollinate with wild types, or evidence that the cultivar has narrower habitat suitability, less dispersal potential, less potential for negative impact on the economy and/or environment of Florida and evidence that the plant is not spreading vegetatively.

The Department will review a submitted Application for Inclusion to or Exclusion from the Noxious Weed List, FDACS 08215, Rev. 04/13, and forward it to the Noxious Weed and Invasive Plant Review Committee within 30 days provided all required information has been submitted. The Noxious Weed and Invasive Plant Review Committee will review the application and make a final recommendation to the Department to add or remove plants from Rule 5B-57.007, F.A.C. Any exemptions for cultivars, production practices, areas of distribution, or any other reasons will be denoted following the plant name on the Noxious Weed and Invasive Plant List. The Department shall make a final determination regarding the disposition of the application within 30 days of receipt of the committee recommendation. Upon making a final determination, the rule amendment process will be initiated if necessary. By emergency

rule, the Department shall add a plant to the list at any time if there is an immediate threat to the agricultural, horticultural, environmental, or public interest of the state.

(2) The Noxious Weed and Invasive Plant List contained in Rule 5B-57.007, F.A.C., shall be subject to review, at least biennially, by the Department in conjunction with the Institute of Food and Agricultural Sciences at the University of Florida.

The Noxious Weed and Invasive Plant List Review Committee appointed by the Department, in accordance with Sections 581.091(4) and 570.0705, F.S., will conduct the review. All reviews will be conducted in accordance with Section 120.525, F.S., which provides for public input. The University of Florida will recommend two faculty members, one specializing in research on production agriculture and the other on natural resources, to the Department to serve on the committee. A representative from the Director's Office, the Bureau of Plant and Apiary Inspection, and the Botany Section shall represent the Department. The Noxious Weed and Invasive Plant List Review Committee will make recommendations to the Department to add or remove plants from Rule 5B-57.007, F.A.C., based on the biological justification as described in subsection (1).