RULES OF THE
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
DIVISION OF PLANT INDUSTRY
CHAPTER 5B-57
INTRODUCTION OR RELEASE OF PLANT PESTS, NOXIOUS WEEDS, ARTHROPODS, AND BIOLOGICAL CONTROL AGENTS

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5B-57.001 Definitions. For the purpose of this rule chapter, the following definitions shall apply:
(1) Arthropod. Any segmented invertebrate animal having jointed appendages and an exoskeleton, including insects, spiders, ticks, mites, and scorpions, but excluding crustaceans for the purpose of this rule chapter.
(2) Biological control agent. Any biological agent such as bacteria, fungi, viruses, parasitoids, parasites, nematodes, and predators that adversely affects pest species.
(3) Compliance agreement. A written agreement between the department and any person engaged in growing, handling, or moving articles, plants, plant products, plant pests, noxious weeds, arthropods, or biological control agents regulated under this rule chapter, wherein the person agrees to comply with stipulated requirements.
(4) Department. The Florida Department of Agriculture and Consumer Services.
(5) International movement. Movement into Florida from any country or area outside the United States.
(6) Interstate movement. Movement into Florida from another state or U. S. possession.
(7) Intrastate movement. Movement within the state of Florida.
(8) Nematode. A small unsegmented worm in all of its life stages in the Phylum Nematoda.
(9) Noxious weed. Any living stage, including, but not limited to, seeds and reproductive parts, of a parasitic or other plant of a kind, or subdivision of a kind, which may be a serious agricultural threat in Florida as listed in Rule 5B-57.007.
(10) 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, arthropods, and biological control

agents, defining the conditions under which such activities will be allowed, and containing specific instructions for inspection, movement, and containment.
(11) Plant pest. Any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, or viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances which can directly or indirectly injure or cause disease or damage in any plants, plant parts, or other products of plants.
(12) USDA. The United States Department of Agriculture.
Specific Authority 570.07 (13), (23) FS. Law Implemented 581.031 (4), (5), (6), 581.083, 581.091 FS. History - New 7-27-93.

5B-57.002 Purpose. 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 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.
Specific Authority 570.07 (13), (23) FS. Law Implemented 581.031 (4), (5), (6), 581.083, 581.091 FS. History - New 7-27-93.

5B-57.003 Possession or Movement of Plant Pests and Noxious Weeds Regulated by the Department and the USDA.

(1) It is unlawful to introduce, possess, move, or release any plant pest or noxious weed regulated by the department and the USDA except under permit issued by the department or the USDA. No permit shall be issued unless the department has determined that procedures exist to adequately contain the plant pest or noxious weed or that it will not pose a threat to the agricultural industry or the environment. The department's evaluation of permit applications may rely on findings of the Department of Environmental Protection, The Florida Fish and Wildlife Conservation Commission, the United States Department of Agriculture, or any other agency with expertise in the area. The application procedures for a permit are as follows:

(2) Complete USDA/APHIS PPQ Form 526, Application For Permit to Move Live Plant Pests and Noxious Weeds. PPQ Form 526, effective October 1988, is incorporated into this rule chapter by reference. Copies of the form may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100 or the USDA, APHIS-PPQ, Biological Assessment and Taxonomic Support, Hyattsville, Maryland 20782. A department Pathogen Informational Form is also required for plant pathogens. Pathogen Informational Form DACS-08214, Revised 01/00, is incorporated into this rule chapter by reference. Copies may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100.

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

(4) Following evaluation by the department, the application shall be forwarded to the USDA/APHIS PPQ Biological Assessment and Taxonomic Support Staff for federal evaluation and determination. The conditions under which introduction, movement, or possession is permitted, and the length of time for which the permit is valid, will be specified on the permit or in a compliance agreement.
Specific Authority 570.07 (13), (23) FS. Law Implemented 581.031 (4), (5), (6), (7), (26), 581.083 FS. History - New 7-27-93, Amended 6-20-00.

5B-57.004 Possession or Movement of Arthropods, Plant Pests, or Noxious Weeds Regulated by the Department.

(1) It is unlawful to introduce, possess, move, or release any arthropod or noxious weed regulated by the department except under permit issued by the department. No permit shall be issued unless the department has determined that the arthropod or noxious weed 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. In making such determinations the department may rely on the findings of other agencies and groups as listed in 5B-57.003. The application procedures for permits are as follows:

(2) Application for permit shall be made on form DACS-08208. Application and Permit to Move Organisms Regulated By The State of Florida, DACS-08208, Revised 01/00, is incorporated into this rule chapter by reference. Copies may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100.

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

(4) Following approval by the department, a permit 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 or in a compliance agreement.

(5) Any permit which has been issued shall be withdrawn by the Director of the Division of Plant Industry if it is determined that the holder thereof has not complied with any condition for the use of the document. The reasons for the withdrawal shall be confirmed in writing as promptly as circumstances allow. Any person whose permit has been withdrawn may appeal the decision in writing to the director within 10 days after receiving the written notification of the withdrawal. The appeal shall state all the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn. The director shall grant or deny the appeal in writing, stating the reasons for the decision as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.
Specific Authority 570.07 (13), (23) FS. Law Implemented 581.031 (6), (7), 581.083, 581.091, 581.101 FS. History - New 7-27-93, Amended 6-20-00.

5B-57.005 Introduction and Release of Biological Control Agents. It is unlawful to introduce any biological control agent into the state or release any non-indigenous biological control agent except under permit issued by the department. No permit shall be issued unless the department has determined the biological control agent is specific to the target organism or that it will not pose a threat to agriculture, beneficial organisms, or the environment, or become a public nuisance. In making such determinations the department may rely on findings of other agencies and groups as listed in Rule 5B-57.003. The application procedures for permits are the same as those listed in Rule 5B-57.004.
Specific Authority 570.07 (13), (23) FS. Law Implemented 581.031 (6), (7), 581.083, 581.091 FS. History - New 7-27-93.

5B-57.006 Regulation and Control of Noxious Weeds in Florida. The department, in addition to regulating the movement of the noxious weeds contained in Rule 5B-57.007, shall cooperate with the USDA, the Florida Department of Natural Resources, and other appropriate parties to eradicate or control noxious weeds 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 shall be determined through the use of

risk assessment. 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 will be carried out within the scope of statutory authority and available resources.
Specific Authority 570.07 (13), (23) FS. Law Implemented 581.031 (4), (6), (7), (16), (17), 581.083, 581.091, 581.101 FS. History - New 7-27-93.

5B-57.007 Noxious Weed List.

(1) Parasitic Weeds.
(a) *Aeginetia* spp. (Aeginetia).
(b) *Alectra* spp. (Alectra).
(c) *Cuscuta* spp. Only the native Florida species are excluded from this list. These include:
1. *C. americana*.
2. *C. compacta*.
3. *C. exaltata*.
4. *C. gronovii*.
5. *C. indecora*.
6. *C. obtusiflora*.
7. *C. pentagona*.
8. *C. umbellata*.

(d) *Orobanche* spp. (broomrapes), with the exception of:
1. *O. uniflora* (oneflowered broomrape).

(2) Terrestrial Weeds.
(a) *Ageratina adenophora* (crofton weed).
(b) *Alternanthera sessilis* (sessile joyweed).
(c) *Asphodelus fistulosus* (onionweed).
(d) *Avena sterilis* (including *Avena budoviciana*) (animated oat, wild oat).
(e) *Borreria alata* (broadleaf buttonweed).
(f) *Carthamus oxyacantha* (wild safflower).
(g) *Chrysopogon aciculatus* (pilipiliula).
(h) *Commelina benghalensis* (Benghal dayflower).
(i) *Crupina vulgaris* (common crupina).
(j) *Cupaniopsis anacardioides* (carrotwood). **Propagation prohibited effective 7/1/99; sale or distribution prohibited 1/1/2001.**
(k) *Digitaria scalarum* (African couchgrass, fingergrass).
(l) *Digitaria velutina* (velvet fingergrass, annual conchgrass).
(m) *Dioscorea alata* (white yam).
(n) *Dioscorea bulbifera* (air potato).
(o) *Drymaria arenarioides* (lightning weed).
(p) *Emex australis* (three-cornered jack).
(q) *Emex spinosa* (devil's thorn).
(r) *Euphorbia prunifolia* (painted euphorbia).
(s) *Galega officinalis* (goat's rue).
(t) *Heracleum mantegazzianum* (giant hogweed).
(u) *Imperata brasiliensis* (Brazilian satintail).
(v) *Imperata cylindrica* (cogongrass).
(w) *Ipomoea triloba* (little bell, Aiea morning glory).

(x) *Ischaemum rugosum* (murainograss).
(y) *Leptochloa chinensis* (Asian sprangletop).
(z) *Lycium ferocissimum* (African boxthorn).
(aa) *Lygodium japonicum* (Japanese climbing fern).
(bb) *Lygodium microphyllum* (small-leaved climbing fern).
(cc) *Melaleuca quinquenervia* (melaleuca).[1]
(dd) *Melastoma malabathricum* (Indian rhododendron).
(ee) *Mikania cordata* (mile-a-minute).
(ff) *Mikania micrantha* (climbing hempweed).
(gg) *Mimosa invisa* (giant sensitive plant).
(hh) *Mimosa pigra* (catclaw mimosa).[1]
(ii) *Nassella trichotoma* (serrated tussock).
(jj) *Neyraudia reynaudiana* (Burma reed).
(kk) *Opuntia aurantiaca* (jointed prickly pear).
(ll) *Oryza longistaminata* (red rice).
(mm) *Oryza punctata* (red rice).
(nn) *Oryza rufipogon* (wild red rice).
(oo) *Paederia cruddasiana* (sewer-vine).
(pp) *Paederia foetida* (skunk-vine).
(qq) *Paspalum scrobiculatum* (Kodomillet).
(rr) *Pennisetum clandestinum* (Kikuyu grass).
(ss) *Pennisetum macrourum* (African feathergrass).
(tt) *Pennisetum pedicellatum* (Kyasuma grass).
(uu) *Pennisetum polystachyon* (missiongrass, thin napiergrass).
(vv) *Prosopis* spp.
(ww) *Pueraria montana* (kudzu).
(xx) *Rhodomyrtus tomentosa* (downy myrtle).
(yy) *Rottboellia cochinchinensis* (itchgrass).
(zz) *Rubus fruticosus* (bramble blackberry).
(aaa) *Rubus moluccanus* (wild raspberry).
(bbb) *Saccharum spontaneum* (wild sugarcane).
(ccc) *Salsola vermiculata* (wormleaf salsola).
(ddd) *Sapium sebiferum* (Chinese tallow tree).
(eee) *Schinus terebinthifolius* (Brazilian pepper-tree).[1]
(fff) *Setaria pallidefusca* (cattail grass).
(ggg) *Solanum tampicense* (wetland nightshade).
(hhh) *Solanum torvum* (turkeyberry).
(iii) *Solanum viarum* (tropical soda apple).
(jjj) *Tridax procumbens* (coat buttons).
(kkk) *Urochloa panicoides* (liverseed grass).

[1]**Department of Environmental Protection permit required for these species.**

Specific Authority 570.07 (13), (23) FS. Law Implemented 581.031 (4), (5), (6), 581.083, 581.091 FS. History - New 7-27-93, Amended 2/28/94, 6/30/96, 7-7-99.

5B-57.008 Entry of Authorized Representatives.

Specific Authority 570.07 (13), (23) FS. Law Implemented 581.031 (15) FS. History - New 7-27-93, Repealed 6-4-95.

5B-57.009 Penalties for Violation.

Specific Authority 570.07 (13), (23) FS. Law Implemented 581.141, 581.211 FS. History - New 7-27-93, Repealed 6-4-95.