

## 2011 FLORIDA STATUTES

### [Title XXVIII](#) NATURAL RESOURCES; CONSERVATION, RECLAMATION, AND USE

#### [Chapter 369](#) CONSERVATION — [View Entire Chapter](#)

##### **[369.25](#) Aquatic plants; definitions; permits; powers of department; penalties.—**

- (1) As used in this section, the term:
  - (a) “Aquatic plant” means any plant, including a floating, emersed, submersed, or ditch bank species, growing in, or closely associated with, an aquatic environment and includes any part or seed of such plant.
  - (b) “Department” means the Department of Agriculture and Consumer Services.
  - (c) “Nonnursery cultivation” means the tending of aquatic plant species for harvest in the natural environment.
  - (d) “Noxious aquatic plant” means any part, including, but not limited to, seeds or reproductive parts, of an aquatic plant which has the potential to hinder the growth of beneficial plants, interfere with irrigation or navigation, or adversely affect the public welfare or the natural resources of this state.
  - (e) “Person” includes a natural person, a public or private corporation, a governmental entity, or any other kind of entity.
- (2) No person shall engage in any business involving the importation, transportation, cultivation, collection, sale, or possession of any aquatic plant species without a permit issued by the department. No person shall import, transport, cultivate, collect, sell, or possess any noxious aquatic plant listed on the prohibited aquatic plant list established by the department without a permit issued by the department. No permit shall be issued until the department determines that the proposed activity poses no threat or danger to the waters, wildlife, natural resources, or environment of the state.
- (3) The department has the following powers:
  - (a) To make such rules governing the importation, transportation, nonnursery cultivation, collection, and possession of aquatic plants as may be necessary for the eradication, control, or prevention of the dissemination of noxious aquatic plants that are not inconsistent with rules of the Fish and Wildlife Conservation Commission.
  - (b) To establish by rule lists of aquatic plant species regulated under this section, including those exempted from such regulation, provided the Fish and Wildlife Conservation Commission approves such lists prior to the lists becoming effective.
  - (c) To evaluate an aquatic plant species through research or other means to determine whether such species poses a threat or danger to the waters, wildlife, natural resources, or environment of the state.
  - (d) To declare a quarantine against aquatic plants, including the vats, pools, or other containers or bodies of water in which such plants are growing, to prevent the dissemination of any noxious aquatic plant.
  - (e) To make rules governing the application for, issuance of, suspension of, and revocation of permits under this section.
  - (f) To enter into cooperative agreements with any person as necessary or desirable to carry out and enforce the provisions of this section.

- (g) To purchase all necessary supplies, material, facilities, and equipment and accept all grants and donations useful in the implementation and enforcement of the provisions of this section.
  - (h) To enter upon and inspect any facility or place where aquatic plants are cultivated, held, packaged, shipped, stored, or sold, or any vehicle of conveyance of aquatic plants, to ascertain whether the provisions of this section and department regulations are being complied with, and to seize and destroy, without compensation, any aquatic plants imported, transported, cultivated, collected, or otherwise possessed in violation of this section or department regulations.
  - (i) To adopt rules requiring the revegetation of a site on sovereignty lands where excessive collection has occurred.
  - (j) To enforce this section and s. 369.251 in the same manner and to the same extent as provided in s. 581.211.
- (4) The department shall adopt rules that limit the sanctions available for violations under this act to quarantine and confiscation:
- (a) If the prohibited activity apparently results from natural dispersion; or
  - (b) If a small amount of noxious aquatic plant material incidentally adheres to a boat or boat trailer operated by a person who is not involved in any phase of the aquatic plant business and if that person is not knowingly violating this act.
- (5)
- (a) Any person who violates the provisions of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.
  - (b) All law enforcement officers of the state and its agencies with power to make arrests for violations of state law shall enforce the provisions of this section.

History.—s. 1, ch. 69-158; ss. 14, 26, 35, ch. 69-106; s. 4, ch. 70-203; s. 1, ch. 70-439; s. 350, ch. 71-136; s. 2, ch. 71-137; s. 140, ch. 77-104; s. 1, ch. 77-174; s. 23, ch. 78-95; s. 1, ch. 84-120; s. 1, ch. 92-147; s. 189, ch. 94-356; s. 93, ch. 99-245; s. 1, ch. 2000-146; s. 1, ch. 2001-258; s. 8, ch. 2008-150; s. 32, ch. 2009-86.

Note.—Former s. 403.271.

(From: <http://www.flsenate.gov/Laws/Statutes/2011/369.25> Feb. 7, 2012 - Karen Brown, UF-IFAS CAIP)