

Senate Bill No. 674

An act relating to rulemaking authority regarding aquatic plants (RAB); amending s. 369.25, F.S.; authorizing the Department of Environmental Protection to adopt rules requiring revegetation in specified circumstances; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (3) of section 369.25, Florida Statutes, is amended to read:

369.25 Aquatic plants; definitions; permits; powers of department; penalties.—

(3) The department has the following powers:

(a) To make such rules governing the importation, transportation, non-nursery 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 Department of Agriculture and Consumer Services.

(b) To establish by rule lists of aquatic plant species regulated under this section, including those exempted from such regulation, provided the Department of Agriculture and Consumer Services and the Fish and Wildlife Conservation Commission approve 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, except in aquatic plant nurseries, 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, 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, except aquatic plant nurseries regulated by the Department of Agriculture and Consumer Services, 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 conduct a public information program, including, but not limited to, erection of road signs, in order to inform the public and interested parties of this section and its associated rules and of the dangers of noxious aquatic plant introductions. read:

(j) To adopt rules requiring the revegetation of a site on sovereignty lands where excessive collection has occurred.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor May 25, 2000.

Filed in Office Secretary of State May 25, 2000.