

*For the plants you  
love to hate...*

**Pandion  
Systems, Inc.**



**Invasive Exotic Plant  
Management**

*Ecologists and land  
managers...*

Specializing in complex control and research projects requiring a high degree of ecological proficiency and experience.

Gainesville, Florida  
352-372-4747

www.pandionsystems.com  
exotics@pandionsystems.com

**AQUATIC  
VEGETATION  
CONTROL, INC.**  
ENVIRONMENTAL SERVICES

*"Sound,  
value-oriented  
environmental  
stewardship"*

6753 Garden Road, Suite 109  
Riviera Beach, FL 33404

(561) 845-5525

(800) 327-8745

Fax: (561) 845-5374

email: L1J2@aol.com

www.avcaquatic.com



## Legislative Update

by Matthew King, Chair, FLEPPC Legislative Committee

The Fall 2002 issue of *Wildland Weeds* (Vol. 5(4)) reported the passage of House Bill 1681 that added language to State Statute 581.091 and limited the ability of local governments to regulate invasive non-native plants. Specifically, the bill limited the plants that a local government could regulate or define as invasive to those plants listed by the Florida Department of Agriculture and Consumer Services (FDACS) as a "Noxious Weed" (5B-57.001 Florida Administrative Code). Another aspect of the bill was the requirement that FDACS, in conjunction with the University of Florida Institute of Food and Agricultural Sciences, develop a process that would require a periodic, scientific review of the FDACS list to ensure that new invasive plant species are evaluated and added, or removed, when necessary.

In March of 2003, FDACS released a public notice for comments on amendments to 5B-57.001. The amendments included new language based on the additions to the Statute (a quick civics lesson on Florida statutes and rules: bills can become statutes, and then rules are written based upon these statutes. Rules generally have more detail than the statutes.) The majority of the new language detailed the procedure for the addition and removal of noxious weeds from the FDACS list. FLEPPC, along with several local governments and environmental groups, commented on these proposed rules. FLEPPC addressed the following main issues:

1. FDACS included language that allowed for the removal of a noxious weed from their list if the weed "is distributed throughout its potential range or has spread too far to implement effective control; evidence that control has been unsuccess-

ful and further efforts are not supported or feasible; ..." FLEPPC did not agree with this interpretation and suggested changing the language to state that a *noxious weed should be removed from the list only when it no longer meets the definition of a noxious weed.*

2. FLEPPC felt that the definition for a noxious weed should include *naturalized plants that disrupt naturally occurring native plant communities.*

3. Invasive plants from the Florida Department of Environmental Protection list were to be added to the FDACS list per the statute; however, they were omitted.

In late December 2003, Palm Beach County alerted FLEPPC and several other agencies/municipalities that FDACS had released a second public notice for the rule amendment that did not include several of the comments previously expressed. FDACS did include a new definition for an "Invasive Plant," which included our recommended language; however, they failed to change the criteria for removing a noxious weed from the list, along with what appeared to be several administrative omissions.

Because the proposed rules did not adequately express the comments submitted previously by various agencies, Palm Beach County requested a public hearing on the matter in order to require FDACS to accept additional comments. Again, FLEPPC, along with several local governments, submitted comments. This time, FDACS incorporated most of FLEPPC's comments into the rule change, including the three mentioned above.

*For more information, contact Matthew King at 561/233-2400 or mking@co.palm-beach.fl.us*

### References:

Existing Rule No. 5B-57, FDACS, Division of Plant Industry, INTRODUCTION OR RELEASE OF PLANT PESTS, NOXIOUS WEEDS, ARTHROPODS, AND BIOLOGICAL CONTROL AGENTS can be found at: <http://www.doacs.state.fl.us/pi/5b-57.htm>

A copy of the proposed rule changes can be found at: <http://faw.dos.state.fl.us/fawframes.html> Select the February 13, 2004 edition of the *Florida Administrative Weekly*. The changes are in Section III, starting on page 716.

The Florida DEP listed plants can be found at: <http://www.dep.state.fl.us/lands/invaspec/2ndlevpgs/perrules.htm>