

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-4.003 Noxious Weed Seed.

(1) (a)-(c) No Change

(d) Tropical soda apple (Solanum viarum) None per pound

(e) Benghal dayflower (Commelina benghalensis) None per pound

(2) No change

(3) No change

Specific Authority 570.07(23), 578.11(2), F.S. Law Implemented 578.11(3), 578.12, F.S.

History-Amended 5-30-63, 8-22-68, 9-29-83, Formerly 5E-4.03, Amended 8-6-

89,\_\_\_\_\_.

5E-4.0041 Disposition of Seed Contaminated with Noxious Weed Seed

(1) Seed lots containing one or more of the noxious weed seeds listed in Section 5E-4.003, F.A.C., and found by the department to be in violation of Section 578.13, Florida Statutes, and which have been placed under stop-sale, stop-use, removal, or hold order, shall not be further subdivided or renumbered such that the integrity of the lot for identification and further inspection and testing is maintained. Within 30 days of receipt of the stop-sale, stop-use, removal, or hold order issued by the department, the owner of the seed lot shall arrange for the reprocessing, destruction through incineration or burial of the seed to a depth of at least 3 feet for a period of at least one year in a solid waste disposal facility for which a permit has been issued or that is exempt from the permit requirement as specified under Chapter 62-701.320 F.A.C.(Effective 5-27-01), Solid Waste Management Facilities.

(2) Seed lots which have been reprocessed shall be re-inspected and re-tested by the department to determine if the violation of Section 578.13, Florida Statutes, has been corrected. If the violation of Section 578.13, Florida Statutes, has not been corrected after two consecutive attempts to reprocess the seed lot, and the seed lot continues to contain one or more of the noxious weed seeds listed in Section 5E-4.003, F.A.C., the seed lot under stop-sale, stop-use, removal, or hold order shall be destroyed by incineration or burial to a depth of at least three feet for a period of at least 1 year in a solid waste disposal facility for which a permit has been issued or that is exempt from the permit requirement as specified under Chapter 62-701.320, F.A.C. (Effective 5-27-01), Solid Waste Management Facilities. If none of the noxious weed seeds listed in Section 5E-4.003, F.A.C., are detected during subsequent inspection and testing, the department shall issue a release for the lot under stop-sale, stop-use, removal, or hold order and the seed lot may be sold and distributed. Upon release of the stop-sale, stop-use, removal, or hold order, the seed lot may be further subdivided or assigned one or more new lot numbers.

SPECIFIC AUTHORITY: 578.11(2) F.S. Law Implemented 578.11(3), 578.12, F.S.

History – New \_\_\_\_\_.