

The 2024 Florida Statutes

Title XXXV
AGRICULTURE, HORTICULTURE, AND ANIMAL
INDUSTRY

Chapter 581
PLANT
INDUSTRY

[View Entire
Chapter](#)

581.091 Noxious weeds and infested plants or regulated articles; sale or distribution; receipt; information to department; withholding information.—

- (1) It is unlawful for any person to knowingly sell, offer for sale, or distribute any noxious weed, or any plant or plant product or regulated article infested or infected with any plant pest declared, by rule of the department, to be a public nuisance or a threat to the state's agricultural and horticultural interests.
- (2) Any person who knows or reasonably should know that such person possesses or has knowingly received any noxious weed or any plant, plant product, or regulated article sold, given away, carried, shipped, or delivered for carriage or shipment in violation of the provisions of this chapter or the rules adopted thereunder shall immediately inform the department and isolate and hold the weed, plant, plant product, or other thing unopened or unused subject to inspection or other disposition as may be provided by the department.
- (3) It is unlawful for any person to fail to disclose or withhold available information regarding any infested or infected plant, plant product, regulated article, or noxious weed.
- (4) The department, in conjunction with the Institute of Food and Agricultural Sciences at the University of Florida, shall biennially review the official state lists of noxious weeds and invasive plants as provided for under this chapter and department rules. The plants listed in s. [369.251](#) shall be incorporated into the department lists as provided for under this chapter. **A water management district when identifying by rule pursuant to s. [373.185](#), or a local government when identifying by ordinance or regulation adopted on or after March 1, 2002, a list of noxious weeds, invasive plants, or plants deemed to be a public nuisance or threat, shall only adopt the lists developed under this chapter or rules adopted thereunder. All local government ordinances or regulations, adopted prior to March 1, 2002, that list noxious weeds or invasive plants shall remain in effect.** All local ordinances or regulations requiring the removal of invasive plants or noxious weeds from publicly or privately owned conservation areas or preserves shall be exempt from the limitations in this subsection.