

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

Table with 2 columns: RULE CHAPTER NO. and RULE CHAPTER TITLE. Rows include Citrus Nursery Stock Certification Program, Citrus Budwood Protection, Citrus Nursery Stock Certification Program, Citrus Budwood Technical Advisory Committee, Citrus Nursery Stock Certification Program, Citrus Nursery Site Approval, Citrus Nursery Sanitation, Citrus Nursery Structure, Citrus Nursery Production, Citrus Source Trees, Citrus Parent Trees, Citrus Foundation Trees, Citrus Scion Trees, Citrus Increase Trees, Citrus Source Tree Registration Certificate, Citrus Procedure for Identifying and Recording Commercial Citrus Nursery Stock, Citrus Inter- or Intra-Nursery Movement of Plant Material, Citrus Retail Sales, Citrus Requirements for Soil Pit Approval, Citrus Requirements for Utility and Road Construction, Citrus Stop-Sale Notice or Hold Order (DACS-08016).

Table with 2 columns: Rule Number and Description. Rows include 5B-62.024 (Release from Quarantine or Withdrawal of Stop-Sale Notice or Hold Order (DACS-08016)), 5B-62.025 (Fees), 5B-62.026 (Citrus Produced For Research Purposes), 5B-62.027 (Exemptions).

PURPOSE AND EFFECT: The purpose of this rule chapter is to minimize the spread of serious graft-transmissible diseases and certain other pathogens as well as nematodes of citrus by requiring all nurserymen propagating citrus to participate in a mandatory citrus nursery stock certification program. The requirements for program participation are established in this chapter. It is intended that there shall be no propagation of citrus nursery stock except as provided in this chapter, and it shall be unlawful to plant citrus nursery stock in Florida unless that citrus nursery stock has been propagated pursuant to this chapter.

SUBJECT AREA TO BE ADDRESSED: Special Inspection and Certification Fees.

SPECIFIC AUTHORITY: 570.07(23), 581.031(1), (3), (8) FS. LAW IMPLEMENTED: 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS.

TWO (2) RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES, AND PLACES SHOWN BELOW:

DATE AND TIME: April 7, 2006, 9:30 a.m. – 12:00 Noon
PLACE: Citrus Research and Education Center (CREC), 700 Experiment Station Road, Lake Alfred, FL 33850
AND

DATE AND TIME: April 21, 2006, 9:30 a.m. – 12:00 Noon
PLACE: Highland County Extension Service, 4509 West George Boulevard, Sebring, FL 33872-5803

If you need any special accommodations in order to attend these meetings because of a disability, please let us know by April 6, 2006.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Connie Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-62.001 Definitions.
For the purpose of this rule chapter, the definitions in Section 581.011, F.S., and the following definitions shall apply:
(1) African citrus psyllid. The insect known as African citrus psyllid, Trioza erytreae, classified in the order Homoptera, Family Psyllidae, and all of its life stages. It is a vector of citrus greening.

(2) Approved citrus nursery site. A defined area which meets the certification requirements as prescribed by the department.

(3) Approved soil pit. A soil source used for fill purposes, highway or road construction, or as an ingredient in plant growing or potting media which meet the department requirements as to the absence of injurious nematodes of citrus.

(4) Asian citrus psyllid. The insect known as Asian citrus psyllid, *Diaphorina citri*, classified in the order Homoptera, Family Psyllidae, and all of its life stages. It is a vector of citrus greening.

(5) Australian Citrus Dieback. A disease from Australia similar to citrus greening, but for which neither the causal organism nor the vector have been characterized and identified.

(6) Barrier. An area of land of sufficient width and length located or established in a manner to prevent or suppress the natural or artificial spread of nematodes or other pathogens of citrus from an infested property to another property.

(7) Budwood. A portion of a stem or branch with a vegetative bud(s) used in propagation for budding or grafting.

(8) Certified citrus nursery. A nursery which has been certified by the department as meeting the requirements for production of citrus nursery stock free of pests of citrus.

(9) Certified Tree. A scion tree meeting all the requirements of Chapter 5B-62, F.A.C., but not yet having borne fruit or nursery trees propagated from a certified scion tree.

(10) Citrus. All species of the genera *Citrus*, *Poncirus*, and *Fortunella* including any hybrids thereof.

(11) Citrus blight. A root graft-transmissible disease of unknown etiology associated with xylem dysfunction which results in wilting and slow decline of trees.

(12) Citrus Budwood Foundation Grove. Plantings of pathogen-tested citrus trees, maintained by the Bureau of Citrus Budwood Registration, representing major commercial varieties and rootstocks for the purposes of horticultural observation and distribution of budwood to Florida growers.

(13) Citrus canker. A bacterial disease of citrus incited by the organism *Xanthomonas axonopodis* pv. *citri*.

(14) Citrus exocortis viroid. A graft- and mechanically-transmissible pathogen incited by the organism *Citrus exocortis* viroid in the Pospoviridae family and Pospovirus genus. Disease symptoms include tree decline, stunting of growth, scaling and shelling of the rootstock bark of *Poncirus trifoliata* and many *P. trifoliata* hybrids and Rangpur lime.

(15) Citrus greening. A phloem-limited bacterial disease of citrus and citrus relatives incited by the organism *Candidatus Liberibacter* spp., or huanglongbing (also known as yellow dragon disease) and vectored by *Diaphorina citri* and

Trioza erytrae. Disease symptoms include mottled foliage asymmetrical bitter fruit and trees which become non-productive.

(16) Citrus Nursery Stock Certification Program. A mandatory program administered by the Division of Plant Industry whereby nurserymen, growers and other people propagating citrus, including all dooryard, own-use and commercial plantings, are required to propagate citrus in accordance with these rules.

(17) Citrus tristeza virus. A graft-transmissible closterovirus in the Closteroviridae which is transmitted by aphids (primarily brown citrus aphid, *Toxoptera citricida*). Severe strains, as opposed to mild strains, of the virus cause severe stem pitting, seedling yellows, or quick decline on sour orange rootstock which result in reduced crops or loss of trees.

(18) Citrus viroids. Viroids in the family Pospoviroidea and the genus Apscaviroid (*Citrus bent leaf viroid*, *citrus viroid I*), *Citrus viroid III*, and the genus Cocaviroid (*Citrus viroid IV*), in addition to *citrus exocortis* viroid and *citrus cachexia* viroid (*xyloporosis*, *Citrus Viroid II*).

(19) Citrus cachexia viroid (*xyloporosis*, *Citrus viroid II*). A graft- and mechanically-transmissible viroid incited by the organism Hop Stunt viroid in the Pospoviridae family and Hostuviroid genus. Disease symptoms include phloem deterioration and blockage in many mandarin, mandarin hybrids, *Citrus macrophylla* Wester, Rangpur lime, and sweet lime. This disease causes decline, stunting, and crop reduction.

(20) Citrus Chlortic Dwarf (CCD). A graft transmissible disease vectored by the bayberry whitefly, *Parabemisia myricae*, classified in the order Homoptera and family Aleyrodidae. It is a disease of the Eastern Mediterranean causing chlorotic patterns and distortion in young leaves, stunting of young trees and reduced yields in lemon, mandarin, grapefruit and to a lesser degree, sweet orange.

(21) Citrus Leaf Blotch Virus (CLBV). Also known as Dweet Mottle, it is a wide-spread, graft-transmissible and seed-transmissible disease with no known vector. It is incited by a virus that is expected to be placed in a new genus in the Flexiviridae. It may cause a bud-union disorder in certain varieties on specific rootstocks.

(22) Citrus Leprosis Virus (CLV). A non-systemic virus disease incited by a virus in the Nucleorhabdovirus genus in the Rhabdoviridae family, is vectored by mites in the *Brevipalpus* genus. It is a problem in Brazil through to upper Central America. It causes a non-systemic infection in citrus with local necrotic lesions on fruit and leaves with leaf and fruit drop, twig die back and where the vector is not controlled, death of the tree.

(23) Citrus Psorosis Virus (CPsV). A graft-transmissible virus thought to also be transmitted by a soil fungus in the *Olpidium* genus. Mild psorosis A, and Severe, psorosis B, are caused by viruses in the Ophiovirus genus which is not yet

assigned to a virus family. Symptoms include bark-scaling, internal wood staining, ringspots or irregular chlorotic patterns in the foliage, and/or eventual tree decline.

(24) Citrus Stubborn. A graft-transmissible disease that is incited by Spiroplasma citri and vectored by several species of leaf hopper (Homoptera: Cicadellidae). Symptoms include buds on newly budded trees not sprouting, acorn-shaped fruit on diseased trees, small shoots and leaves, the presence of witches' brooms, and flowering out of season. It is present in California and Arizona.

(25) Citrus Sudden Death. A disease of unknown etiology thought to have an insect vector. Symptoms include rapid decline of trees budded on Rangpur Lime and to a lesser extent on Volkamer lemon in Brazil.

(26) Citrus Tatter Leaf Virus. A graft- and mechanically-transmitted disease incited by a virus also called citrange stunt or apple stem grooving virus in the Capillovirus genus which is not assigned to a virus family. Symptoms include a severe bud-union crease affects trees on trifoliolate orange or trifoliolate orange hybrid rootstocks causing death of the tree.

(27) Citrus Variegated Chlorosis (CVC). A graft-transmissible disease incited by a strain of Xylella fastidiosa, a fastidious xylem inhabiting bacterium which is vectored by many species of sharp shooter (Homoptera: Cicadellidae). It is found in Brazil and up into Central America. Affected trees are stunted with dieback and have fruit that are small and ripen early.

(28) Citrus Vein-Enation Virus (CVEV). A graft-transmissible disease also called woody gall is also transmitted in a persistent manner by aphid vectors including Toxoptera citricidus, Myzus persicae and Aphis gossypii (Homoptera: Aphididae). It is thought to be incited by a virus of unknown possibly closely related to the Luteoviridae. It is widespread throughout the cooler citrus growing regions of the world and is present in California. It is symptomless in the majority of citrus cultivars and is not considered of major economic importance. Wood galls are formed on the trunks and branches of rough and Volkamer lemons. Severe infection on these rootstocks has been reported to eventually cause tree decline.

(29) Citrus Yellow Mosaic Virus (CYMV). A graft- and mechanically transmissible disease, it is also vectored by the citrus Mealybug, Planococcus citri (Homoptera: Pseudococcidae). It is incited by a Badnavirus in the Caulimoviridae family. Symptoms include yellow mosaic on leaves, reduced leaf size, stunted trees and fruit with elevated green areas and depressed yellow patches. It is known to be in India.

(30) Clone. An asexually reproduced cultivar; a group of genetically uniform plants that have been propagated vegetatively from a single original plant.

(31) Commercial citrus nursery stock. Citrus nursery stock to be used in or for establishing a planting of 40 or more citrus trees.

(32) Commercial citrus grove. A solid set planting of 40 or more citrus trees.

(33) Concave gum/blind pocket. Graft-transmissible pathogens causing infected trees to have concavities in the trunk and main branches. The disease is found in most citrus-growing areas where it reduces yield and tree vigor.

(34) Cooperating agencies. The University of Florida and the United States Department of Agriculture shall be regarded as cooperating agencies.

(35) Decline. A tree that is unthrifty and shows receding vigor, and/or has a significant amount of dieback.

(36) Dooryard citrus nursery stock. Citrus plants to be used only in a residential setting or for establishing a planting of less than 40 citrus trees.

(37) ELISA. Enzyme-Linked ImmunoSorbent Assay. A sensitive laboratory test which uses antibodies coupled with indicators to detect the presence of viruses.

(38) Florida gummosis. A disease of unknown etiology characterized by bark cracks and gumming of scions. This disease is called Rio Grande gummosis in Texas and ferment gum disease in California.

(39) Foundation tree. A citrus tree owned and maintained by the department in accordance with Rule 5B-62.014, F.A.C., that is used for horticultural evaluation and to provide a source of budwood to nurserymen, primarily for establishing scion and increase trees.

(40) Graft-transmissible pathogens. Disease agents spread by vegetative propagation. This general term includes known viruses, viroids, bacteria, spiroplasma, and other non-identified virus-like pathogens of citrus.

(41) Horticulturally true-to-type. A plant which conforms to the description of a particular cultivar and which is from the same genetic line of descent as that cultivar.

(42) Increase trees. Specially designated nursery propagations made to rapidly multiply supplies of propagative material for citrus nursery tree production and meeting all the requirements of Rule 5B-62.016, F.A.C.

(43) Indian Citrus Ringspot virus. A disease of mandarin in India incited by a Mandarivirus in the Flexiviridae family.

(44) Parent tree. A mature bearing citrus tree that has met all of the requirements of Rule 5B-62.007, F.A.C., and has been registered with the department.

(45) PCR. Polymerase Chain Reaction. A highly sensitive laboratory test that can detect small amounts of DNA or RNA in a plant tissue sample by amplification of a specific DNA or RNA segment.

(46) Progeny nursery tree. A citrus nursery tree produced from budwood from a registered source tree in accordance with instructions outlined in this rule chapter.

(47) Propagative material. Any live plant material used to produce nursery stock, including cuttings, budwood, seeds, seedlings, air layers and tissue culture.

(48) Registration. The process of certifying source trees as being virus-tested and meeting the requirements of these rules, including annual renewal by notification and fee payment.

(49) Rootstock. A plant used as the recipient understock in budding or grafting.

(50) Satsuma Dwarf Virus. A graft- and mechanically-transmissible disease which apparently also has a non-nematode soil vector. It is incited by a Sadwavirus which is not yet assigned to a viral family. Satsuma trees infected with SDV will also display a range of leaf symptoms including narrow, boat or spoon-shaped leaves, the surface of which is often distorted or crinkled. A severely affected tree has poor fruit-set and its fruit are small and irregularly shaped, and tree vigor is reduced.

(51) Seed source tree. A tree that supplies seed for propagation which has been determined by the department as being apparently horticulturally true-to-type, and if of the genus Poncirus or its hybrids has been tested once at the owner's expense and found free of psorosis unless propagated from a foundation tree.

(52) Scion tree. A citrus tree grown in accordance with Rule 5B-62.015, F.A.C., from budwood taken from a registered foundation tree and registered with the department as a source of budwood.

(53) Severe strains of citrus tristeza virus. Severe strains of citrus tristeza virus will be determined by the department with input from the Citrus Budwood Technical Advisory Committee as to which strains are regulated and which techniques are approved for testing.

(54) Source tree. A citrus tree that has met all of the requirements as a source of budwood or propagative material, i.e., a scion tree, increase tree, foundation tree, or seed source tree.

(55) Tests. Standardized laboratory, biological greenhouse or field plot tests for certain graft-transmissible pathogens before trees are eligible for registration as source trees as contained in Graft-transmissible Diseases of Citrus: Handbook for detection and diagnosis, or approved by the Citrus Budwood Technical Advisory Committee.

(56) Witches' Broom Disease of lime (WBDL). A disease of Citrus aurantiifolia, small-fruited acid lime, in Asia incited by Candidatus Phytoplasma aurantiifolia and thought to be vectored by *Hishimonous phycitis* (Homoptera: Cicadellidae).

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History—New

5B-62.002 Purpose.

The purpose of this rule chapter is to minimize the spread of serious graft-transmissible diseases and certain other pathogens as well as nematodes of citrus by requiring all

nurserymen propagating citrus to participate in a mandatory citrus nursery stock certification program. The requirements for program participation are established in this chapter. It is intended that there shall be no propagation of citrus nursery stock except as provided in this chapter, and it shall be unlawful to plant citrus nursery stock in Florida unless that citrus nursery stock has been propagated pursuant to this chapter.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History—New

5B-62.003 Plant Pest Declaration.

The following pathogens, nematodes and arthropods and plants infected with or exposed to the pathogens and nematodes, are declared to be plant pests and nuisances:

- (1) Australian Citrus Dieback.
- (2) Citrus canker.
- (3) Citrus chlorotic Dwarf.
- (4) Citrus greening (Huanglongbing).
- (5) Citrus leaf blotch virus.
- (6) Citrus Leprosis Virus.
- (7) Citrus Psorosis Virus.
- (8) Citrus Stubborn.
- (9) Citrus Sudden Death.
- (10) Citrus Tatter Leaf Virus (Apple stem grooving virus).
- (11) Citrus Variegated Cholorosis.
- (12) Citrus Vein-Enation Virus.
- (13) Citrus viroids.
- (14) Citrus Yellow Mosaic Virus.
- (15) Cncave gum blind pocket.
- (16) Indian Citrus Ringspot Virus.
- (17) Satsuma Dwarf Virus.
- (18) Severe strains of Citrus Iristeza Virus.
- (19) Witches' Broom Disease of Lime.
- (20) Plant parasitic nematodes not known to occur in Florida. The following nematodes present a serious threat to Florida's commercial citrus industry:
 - (a) *Hemicycliophora arenaria*, a sheath nematode;
 - (b) *Meloidogyne* spp., species which are pathogenic to citrus; and
 - (c) Any other plant parasitic nematode species or biotype which may be determined by department order or rule to be injurious to citrus.
- (21) Plant parasitic nematodes which are known to be established in Florida. The following nematodes present a serious threat to Florida's commercial citrus industry:
 - (a) *Radopholus similis*, burrowing nematode;
 - (b) *Tylenchulus semipentrans*, the citrus nematode;
 - (c) *Pratylenchus coffeae*, a root-lesion nematode;
- (22) Asian citrus psyllid, Diaphorina citri.

(23) Any other plant virus, viroid, parasitic nematode species or biotype or arthropod found injurious to citrus.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (6), (14), (23) FS. History—New

5B-62.004 Manuals.

The regulations, definitions, and standards in Citrus Nursery Stock Certification Manual, Revised 4/01/06, Citrus Budwood Testing Manual, Revised 4/01/06, and C. N. Rostacher, Graft-transmissible Diseases of Citrus: Handbook for detection and diagnosis (Food and Agricultural Organization of the United Nations, Rome, 1991) are hereby adopted as regulations and rules under the Division of Plant Industry, pursuant to Chapter 581, F.S. Copies may be obtained by contacting the Secretary of State's Office, Tallahassee, FL. Copies are available for examination at the Florida Department of Agriculture and Consumer Services, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881, and the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Plant Pathology Section, 1911 S.W. 34th Street, Gainesville, FL 32608-1201.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(23), 570.0705, 581.031(1), (14), (17), (23) FS. History—New

5B-62.005 Forms.

(1) All forms required for compliance in the Citrus Nursery Stock Certification Program are listed below and hereby adopted and incorporated by reference herein. The following forms may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438, www.doacs.state.fl.us.

(a) Form DACS-08066, Revised 4/06, Application to produce citrus nursery stock.

(b) Form DACS-08172, Revised 4/06, Source Tree Bud Cutting Report.

(c) Form DACS-08072, Revised 1/02, Certificate of Source Tree Registration.

(d) Form DACS-08111, Revised 12/99, Certification to Witness Registered Budwood.

(e) Form DACS-08298, effective 3/99, Parent Tree Candidate Entry Form.

(f) Form DACS-08071, Revised 12/99, Growers Record of Registered Scion Tree Movement.

(g) Form DACS-08064, Revised 1/02, Statement of Charges for Annual Source Tree Registration.

(h) Form DACS-08218, Revised 4/03, Budwood Order Form.

(i) Form DACS-08031, Revised 5/99, Citrus Budwood Protection Program Research Facility Compliance Agreement.

(j) Form DACS-08274, Revised 1/00, Application and Permit to Plant Citrus Pathogen Infected Stock.

(2) The following forms may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, FL 32614-7100.

(a) Form DACS-08038, Revised 6/03, Nursery Stock Inspection Tag.

(b) Form DACS-08016, Revised 5/99, Stop-Sale Notice or Hold Order.

(c) Form DACS-08004, Revised 10/04, Application for Certificate of Registration.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (23), 570.0705, 581.031(1), (14), (17), (23) FS. History—New

5B-62.006 Citrus Budwood Technical Advisory Committee.

The Commissioner of Agriculture shall name a Citrus Budwood Technical Advisory Committee of sixteen members selected as follows:

(1) Four members who shall be owners or employees of citrus nurseries;

(2) Four members who shall be commercial citrus fruit producers or employees of producers;

(3) Four members who shall represent the Institute of Food and Agricultural Sciences of the University of Florida or the USDA Agricultural Research Service, and who shall be non-voting advisors to the committee;

(4) Four members who shall be employees of the department, and who shall be non-voting advisors to the committee;

(5) Two alternate members, one who shall be from (1) and one who shall be from (2), and who shall be non-voting members to the committee and have voting rights only on the absence of members (1) or (2);

(6) The above appointed committee may meet when called by the committee chairman. This committee shall make recommendations to the department on matters pertaining to this rule chapter such as germplasm introduction, nursery stock certification, testing procedures, and other Citrus Budwood Protection Program procedures. In appointing the committee, the Commissioner will select members from various geographical areas who represent a broad cross-section of the industry and impacted businesses.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (23), 570.0705, 581.031(1), (14), (17), (23) FS. History—New

5B-62.007 Citrus Nursery Stock Certification Program.

It shall be unlawful for any person to propagate or plant citrus nursery stock, which is not produced in accordance with the provisions of the Citrus Nursery Stock Certification Program.

Participation in the Citrus Nursery Stock Certification Program shall not imply any warranty on the part of the nurserymen, the department, or any employee thereof.

(1) Prior to propagating nursery stock (including dooryard, own-use and commercial citrus), nurserymen and growers shall:

(a) Register with the Division of Plant Industry filling out Form DACS-08004, Application for Certificate of Registration according to Rule 5B-2.002, F.A.C.

(b) Make application to produce citrus nursery stock on Form DACS-08066, Application to produce citrus nursery stock. Applicants must agree to comply with all the conditions which apply to the Citrus Nursery Stock Certification Program as specified in this rule chapter.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History—New _____.

5B-62.008 Requirements for Citrus Nursery Site Approval.

(1) Citrus nursery sites must be a minimum of one mile away from commercial citrus groves and 100 feet away from plants not certified by the department as being free of nematodes listed in Rule 5B-62.003, F.A.C., and free of any exterior, field or container grown plants from all genera, species, and varieties of the *Rutaceous* subfamilies *Aurantioideae*, *Rutoideae*, and *Toddalioideae*, unless specifically excluded by the rules of the department. Citrus nurseries located on sites prior to April 1, 2006 will not be required to comply with the one mile setback from commercial citrus groves while continuously operating at the April 1, 2006 location.

(2) Sites found to be infested with nematodes listed in Rule 5B-62.003, F.A.C., will not be approved for field grown or in-ground production of citrus nursery stock. Citrus nursery stock may be produced on the site if grown on benches at least 18 inches above ground.

(3) The nursery site should be well drained with no runoff from surrounding areas.

(4) The site should have adequate parking outside the facility.

(5) The site should incorporate an area for deliveries and shipments.

(6) The site should have an adequate water supply without using surface water for irrigation.

(7) The site should incorporate natural or artificial windbreaks that would reduce wind blown rain.

(8) The nursery site must be fenced and all entrances must be secured.

(9) Site access shall have permitted entry only through an area that incorporates decontamination areas for personnel and equipment.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (23), 570.0705, 581.031(1), (14), (17), (23) FS. History—New _____.

5B-62.009 Requirements for Citrus Nursery Sanitation.

(1) All equipment entering or leaving the nursery must be clean of all plant material, soil and decontaminated in accordance with department procedures using approved decontamination products.

(a)1. Budding knives, clippers and other cutting implements shall be sterilized between different groups of propagations using a solution of household bleach 20% by volume.

2. Sterilization solution shall be made up fresh each day.

(b) All equipment, if possible, should be kept on site.

(2) No nursery employee shall be permitted to work concurrently in commercial citrus plantings.

(3)(a) Prior to entering the nursery everyone must decontaminate with an approved personal decontamination product and wear a clean coverall provided by the nursery. If gloves are worn, they must be disposable gloves or decontaminated each day and kept on site.

(b) All persons entering a greenhouse or soil storage area shall walk through a sanitizing foot bath containing a decontaminant that is approved by the department such as copper sulfate.

(4) All plants, plant parts (except seed), soil, peat, sawdust, mulch, manure or other plant-growing or potting media entering the approved site must be accompanied by a nematode (BN) certificate.

(5)(a) All pots, cans, or other containers used to produce citrus nursery stock free of nematodes of citrus must be stored in such a manner to prevent contact with the ground or contamination by flooding, rain-soil-splatter or ground water runoff.

(b) Growing containers shall be cleaned and decontaminated between crops.

(6)(a) All benches approved for nematode certification must be at least 18 inches above the ground. Measurement shall be from the bottom of the bench to the ground surface.

(b) Benches shall be cleaned and decontaminated between crops.

(7) All nematode-certified growing or potting media must be stored at least 18 inches above the ground or on concrete or asphalt that is above ground level and not subject to flooding or ground water runoff.

(8) Noncertified nursery stock cannot be grown in or introduced into the same greenhouse or structure with citrus nursery stock.

(9) Any plant certified free of nematodes that is dropped or set on the ground no longer meets nematode (BN) certification and shall not be returned to the bench.

(10) Nursery records shall be made available to division inspectors for:

(a) All chemical applications;

(b) Nursery budding and tree movement records.

(11) It shall be the responsibility of the nurseryman to:

(a) Prevent encroachment of Rutaceous subfamilies Aurantioideae, Rutoideae, and Toddalioideae, plants and the use of noncertified material, which would endanger the nursery site of becoming infested with injurious nematodes of citrus.

(b) Follow established sanitation procedures to prevent nematode, diaprepes, psyllid, aphid or other common plant pest infestation of the nursery site.

(12) Nursery areas and perimeter shall remain weed free.

(13) Approved citrus nursery sites not planted within 12 months shall be reevaluated prior to use.

(14) Any citrus nursery stock or budwood source tree found infected or exposed to nematode, diaprepes, psyllid, aphid or other common plant pest infestation shall be subject to immediate quarantine action and will not be eligible for certification until treated as prescribe by the department and released from quarantine.

Specific Authority 570.07(23), 581.031(1) FS. Law Implemented 581.031(6) FS. History—New _____.

5B-62.010 Requirements for Citrus Nursery Structure.

All citrus nursery stock propagated after December 31, 2007 must originate from a greenhouse structure and site approved by the department. All citrus nursery stock moved or sold after January 1, 2008 must originate from a greenhouse structure and site approved by the department.

(1) Effective January 1, 2007 newly propagated commercial and dooryard citrus nursery stock and all budwood source trees must be maintained in an approved structure at an approved site as follows:

(a) A greenhouse structure with enclosed sides and tops built to exclude insects with positive pressure double-door entries and a maximum screen size of 266 X 818 um covering all openings.

(b) If cooling pads and fans are used, they must be enclosed with insect screen that will allow for adequate air displacement.

(c) If the integrity of the structure is compromised or breached, the citrus nursery stock shall be subject to immediate quarantine action and will not be eligible for certification until treated as prescribed by the department and released from quarantine.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History—New _____.

5B-62.011 Requirements for Citrus Nursery Propagation.

(1) Commercial and dooryard citrus nursery stock shall be propagated according to the following provisions unless exempted in Rule 5B-62.016, F.A.C.

(a) Propagative material including budwood, air-layers, cuttings and all topworking material shall be from source trees produced or grown in accordance with Rule 5B-62.012, F.A.C., and for which a Certificate of Source Tree Registration (DACS-08072) has been issued as specified in Rule 5B-62.017, F.A.C.

(b) Budwood shall be taken under the direct supervision of a witness authorized by the department. Budwood from each source tree shall be wrapped separately. Each bundle shall be labeled showing variety, the tree identification number, and the number of buds counted or estimated.

(c) All propagative material data including topworking shall be recorded on a Source Tree Bud Cutting Report (DACS-08172) and submitted to the Bureau of Citrus Budwood Registration at the time of collection. Persons authorized to fill out a Source Tree Bud Cutting Report (DACS-08172), shall sign a Certification To Witness Registered Budwood form, DACS-08111.

(d) Propagations from each source tree shall be maintained in nursery rows or on greenhouse benches so that each group can be traced back to an individual source tree. Nurserymen shall use permanent tags to label each separate group of propagations with the source tree registration number.

(e) All citrus nursery stock and propagative plant parts shall remain within the approved structure at all times or moved within enclosed conveyances.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History—New _____.

5B-62.012 Source Trees.

Source trees shall be registered on a Certificate of Source Tree Registration (DACS-08072) as specified in Rule 5B-62.017, F.A.C., and must meet the following requirements:

(1) Budwood used to propagate source trees shall be taken under the direct supervision of the department and shall be reported on Form DACS-08172, Source Tree Bud Cutting Report.

(2) The source trees shall be budded on nursery rootstocks which have not previously had a bud inserted in them. If rebudding is necessary, buds from the same registered source tree as the original shall be used.

(3) The nurseryman shall furnish the Bureau of Citrus Budwood Registration the Budding Record Location portion on Form DACS-08172, Source Tree Bud Cutting Report within 30 days following date of budding. The Budding Record Location on the Source Tree Bud Cutting Report shall identify the location in the nursery of the progeny trees.

(4) The source trees shall have at no time shown symptoms of graft-transmissible pathogens or other diseases listed in Rule 5B-62.003, F.A.C.

(5) The source trees shall have tested negatively for citrus tristeza virus, citrus viroids, citrus leaf blotch virus, psorosis virus, and citrus tatter leaf virus, by the department at its

expense and discretion, and shall be apparently free, based on an annual visual inspection, from Florida gummosis, citrus blight, decline, leprosis, evidence of unacceptable bud mutation, citrus canker, citrus greening and other quarantinable pests.

(a) Source trees meeting the specifications of increase trees will not be individually tested and shall meet the additional requirements of Rule 5B-62.016, F.A.C.

(6) Source trees shall be grown under protective cover as specified in Rule 5B-62.010, F.A.C.

(a) Seed source trees are exempt from being grown under protective cover.

(7) Source trees meeting all the above requirements will be certified sources of budwood and shall have a Certificate of Source Tree Registration (DACS-08072) as specified in Rule 5B-62.017, F.A.C., issued.

(8) Source trees meeting all the above requirements and originated from program registered parent clones shall be registered sources of budwood upon being inspected for fruit trueness-to-type.

(a) Increase trees are not required to produce fruit to become registered.

(b) Scion trees that have not fruited may be used as certified sources of budwood to propagate certified nursery trees.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History—New _____.

5B-62.013 Parent Trees.

Parent trees are selected mature trees belonging to a nurseryman, grower, or researcher, or on property that the owner has given written permission to a nurseryman and the department for access for observation, and testing. At the time of entry into the Citrus Nursery Stock Certification Program, the owner shall sign a Parent Tree Candidate Entry Form DACS-08298.

(1) Prospective parent trees. As a prerequisite to entry into the program, an authorized representative of the department must have visually inspected the prospective parent tree selected by the nurseryman, grower, or researcher.

(2) The parent tree shall be free of recognizable symptoms of graft-transmissible pathogens based on the initial visual inspection; apparently free from Florida gummosis, citrus blight, citrus canker, citrus greening, decline, leprosis, evidence of unacceptable bud mutation, and other quarantinable pests or diseases.

(3) The parent tree shall be vigorous, productive, and horticulturally true-to-type and shall have borne fruit.

(4) The parent tree shall have tested negatively for all diseases listed in Rule 5B-62.003, F.A.C.

(5) All trees propagated for testing in the department's facilities shall become property of the department.

(6) Prospective parent trees of exceptional horticultural value that are found to be infected with one or more graft-transmissible pathogens can be subjected to shoot-tip grafting or other acceptable techniques to eliminate graft-transmissible pathogens provided this is done under the supervision of the department. Plants that are shoot-tip grafted shall be retested for the graft-transmissible pathogen detected, subject to all other registration requirements, and if shoot-tip grafted by the department, made available for distribution to all interested nurserymen and growers if approved by the owner.

(7) Parent trees will not be used for a source of propagating material, rather the tested registered propagation from the parent tree will be the source material of the parent tree clone to be used to establish foundation or scion trees.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History—New _____.

5B-62.014 Foundation Trees.

Foundation trees belong to the Florida Department of Agriculture and Consumer Services and are kept in secure greenhouse facilities for budwood cutting and distribution to citrus nurseries. It shall be unlawful for any person to plant any genera, species, and varieties of the *Rutaceous* subfamilies *Aurantioideae*, *Rutoideae*, and *Toddalioideae*, within one mile of a foundation tree.

(1) Foundation trees originate from tested parent trees.

(2) Foundation trees shall be the source for all scion trees.

(3) Foundation trees shall meet all the requirements in Rule 5B-62.012, F.A.C., for source trees.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History—New _____.

5B-62.015 Scion Trees.

Scion trees shall be propagated from foundation trees, be registered on a Certificate of Source Tree Registration (DACS-08072) as specified in Rule 5B-62.012, F.A.C., and must meet the following requirements:

(1) Scion tree planting is witnessed by the department on Growers Record of Registered Scion Tree Movement Form DACS-08071.

(2) Registered scion trees shall be vigorous, productive, and horticulturally true-to-type and shall have borne fruit.

(3) Scion trees on which annual registration fees are not paid shall be removed from the protected greenhouse within 30 days of the second notification of the Statement of Charges For Annual Source Tree Registration (DACS-08064).

(4) Scion trees found infected with a pathogen shall be removed from the protected greenhouse within 10 days of notification of test results.

(5) Scion trees shall meet all the requirements in Rule 5B-62.012, F.A.C., for source trees.

(6) Effective January 1, 2007 all scion trees must be located in an approved structure as described in Rule 5B-62.010, F.A.C.

(7) Effective January 1, 2010, all scion trees must be located in an approved structure at least one mile from a commercial citrus grove and 660 feet from other citrus plants.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History—New _____.

5B-62.016 Increase Trees.

Increase trees shall be registered on a Certificate of Source Tree Registration (DACS-08072) as specified in Rule 5B-62.012, F.A.C., provided they have been propagated as follows:

(1) Budwood must have been obtained under the direct supervision of the department from foundation, or scion trees.

(2) There must be a minimum vacant space of 24 inches between each clone of increase trees planted in the ground and 12 inches between each clone of plants grown on greenhouse benches (or a well-defined physical barrier between clones) with each clone individually identified.

(3) Trees propagated as increase trees under this rule chapter serve as registered sources of budwood with no testing required for a period of up to 36 months from budding.

(4) Nursery stock propagated from increase trees shall not serve as further sources of registered budwood.

(5) Increase trees from foundation trees used for increase budwood shall qualify for scion grove planting in accordance with Rule 5B-62.015, F.A.C.

(6) Increase trees shall meet all the requirements in Rule 5B-62.012, F.A.C., for source trees.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History—New _____.

5B-62.017 Source Tree Registration Certificate.

(1) Source tree registration certificate. The department shall keep a record of all source trees. This record shall indicate the variety, strain, and age of the source trees; the owner; location of greenhouse, and location of individual trees in the greenhouse, row, and tree number and/or by identification number. This information shall be included in a Certificate of Source Tree Registration (DACS-08072) to be issued by the department. Only those trees having a “Reg” (Registered) or “Cert” (Certified) in the Reg (Registered) column shall qualify for budwood cutting. This certificate shall be sent to the owner or agent of the source trees, and copies shall be filed in the office of the Bureau of Citrus Budwood Registration at Winter Haven.

(2) Duration of registration certificate. The Certificate of Source Tree Registration (DACS-08072) shall be valid for a period of 12 months unless revoked due to failure to meet the

requirements herein or voluntary withdrawal by the participant. The Certificate of Source Tree Registration (DACS-08072) for increase blocks shall be valid for a period of 36 months.

(3) Renewal. Source tree registration may be renewed, subject to continued eligibility, at the end of each 12 months with the payment of a renewal fee as described in Rule 5B-62.015, F.A.C.

(4) Billing. Annual source tree registration fees shall be billed annually on the Statement of Charges For Annual Source Tree Registration (DACS-08064).

(5) Cancellation. Source Tree Registration Certificates (DACS-08072) may be canceled or suspended upon:

(a) The detection of citrus pest or pathogens in the source tree or a progeny of the source tree;

(b) Alteration or misuse of the registration number;

(c) Mishandling of budwood taken from source trees, or the records thereof, which may confuse the facts regarding identity of source trees or nursery stock propagated from source trees;

(d) Evidence of an unacceptable degree of bud mutation on the source or progeny trees;

(e) Evidence that source trees are being allowed to decline or become unthrifty due to neglect, disease, pest infestation, or severe weather conditions;

(f) Failure to follow proper budwood harvesting sanitation procedures;

(g) Failure to pay fees.

(6) Registration fees will not be refunded if the Certificate of Source Tree Registration (DACS-08072) is canceled.

(7) Reinstatement. The Certificate of Source Tree Registration (DACS-08072) canceled or suspended as provided above may be reinstated when:

(a) Delinquent fees are paid;

(b) Careful examination or laboratory tests fail to disclose any evidence of the citrus pest or pathogens that cause the suspension;

(c) The source trees found to be pathogen-infected are removed from the planting;

(d) Unthrifty plantings or substandard trees are restored to a healthy condition.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History—New _____.

5B-62.018 Procedure for Identifying and Recording Commercial Citrus Nursery Stock.

Identification and record of movement for commercial citrus nursery stock. For the benefit of the buyer, the nurseryman or grower shall identify registered nursery stock as being the progeny of registered source trees by completing the Citrus Nursery Stock Inspection Tag (DACS-08038) at the time of delivery.

(1) If the nursery stock was propagated from a certified tree, the Citrus Nursery Stock Inspection Tag (DACS-08038) must contain this information and the statement that the certified source had not yet been inspected for fruiting.

(2) The nurseryman or grower shall keep a systematic record of the movement of citrus trees (DACS-08038) which shall be available for examination by the department for a period of three years.

(3) All movements of nursery stock shall comply with all department requirements pertaining to the inspection and certification as to freedom from plant pests, as well as the use and recording of citrus invoice certificates (tags) (DACS-08038).

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History--New _____.

5B-62.019 Inter- or Intra-Nursery Movement of Plant Material

(1) Commercial Citrus trees cannot leave a nursery without a Citrus Nursery Stock Inspection Tag, Form (DACS-08038).

(2) Liners cannot leave or enter a nursery without a Citrus Nursery Stock Inspection Tag, Form (DACS-08038).

(3) Budwood cannot leave or enter a nursery without a Source Tree Bud Cutting Report, Form (DACS-08172).

(4) Scion trees cannot leave or enter a nursery without a Growers Record of Registered Scion Tree Movement, Form DACS-08071.

(5) All seed movement must be accompanied with an invoice or a Citrus Nursery Stock Inspection Tag, Form (DACS-08038) that indicates the origin of the seed by seed block.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History--New _____.

5B-62.020 Retail Sales.

Retail sales of dooryard citrus nursery stock shall abide by the following.

(1) All dooryard nursery stock shall originate from greenhouse nursery sites that have produced trees according to Rules 5B-62.007, .008, .009, .010, .011, F.A.C.

(2) All citrus nursery stock maintained for retail sale including larger landscape citrus trees must be segregated from other nursery stock and maintained in a secure screen enclosure.

(a) Prior to entering the enclosure and upon exiting the enclosure, employees and customers must decontaminate hands, shoes and other articles coming into contact with citrus with an approved decontamination product.

(b) Retail outlets having less than 40 citrus trees in stock at any given time are exempt from subsection (2).

(3) All retail citrus trees must be tagged with information to identify the variety and producing nursery.

(a) Each individual tree shall be identified with a slip-on label bearing the producing nursery's certificate of nursery registration number that was issued by the department, variety name along with the month and year acquired.

(4) Unsold citrus trees at a retail outlet may not be returned to the producing nursery but must be destroyed by double bagging and burial in an approved landfill with the exception of undeliverable citrus trees that may be returned to the nursery provided they are segregated from other citrus nursery stock.

(5) Any retail citrus tree found to be infested or exposed with the Asian citrus psyllid shall be subject to immediate quarantine action and not be eligible for certification.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History--New _____.

5B-62.021 Requirements for Soil Pit Approval.

(1) Upon the request of the owner of a soil pit, the department may use sampling or other approved methods for establishing the absence or presence of nematodes of citrus. All host plants within a minimum distance of 100 feet of a proposed soil pit must be sampled and found free of any injurious nematodes of citrus as described in Rule 5B-62.003, F.A.C. Distances may be increased when, in the opinion of an authorized representative, there may be a threat to the approved soil pit because of slope, drainage, standing water, and other factors that may be present. Minimum distances shall be measured from the dripline of host plants and from the edge of rights-of-way of any public or private thoroughfare.

(2) The soil pit shall be at least the minimum distances specified as follows:

(a) One hundred feet maintained free of hosts from known infestations of any injurious nematodes of citrus as described in Rule 5B-62.003, F.A.C.

(b) Fifty feet maintained free of hosts from land planted or previously planted to host plants and from all rights-of-way or public thoroughfares with a negative sampling.

(3) It shall be the responsibility of the owner of an approved soil pit to maintain adequate security around the approved soil pit to prevent the entry of noncertified regulated articles.

Specific Authority 570.07(23), 581.031(1) FS. Law Implemented 581.031(6) FS. History--New _____.

5B-62.022 Requirements for Utility and Road Construction.

(1) Any person who installs service lines through or within a distance of 50 feet or less of a commercial citrus grove, commercial citrus grove site, approved citrus nursery site, or approved soil pit shall be required to contact the department prior to installation and shall be required to clean

and disinfect the service pole. All equipment used to install the service pole shall be disinfected using methods approved by the department.

(2) Road construction companies and governmental agencies building public thoroughfares or road rights-of-way through or within a distance of 50 feet of a commercial citrus grove, commercial citrus grove site, approved citrus nursery site, or approved soil pit shall be approved by the department prior to installation and shall be required to clean and disinfect all equipment prior to entering within 50 feet of the approved area using methods approved by the department.

Specific Authority 570.07(23), 581.031(1), (5) FS. Law Implemented 581.031(5) FS. History—New _____.

5B-62.023 Stop-Sale Notice or Hold Order (DACS-08016).

A Stop-Sale or Hold Order (DACS-08016) shall be issued for the following reasons:

- (1) Compromise or breach of structure
- (2) Failure to submit budcutting reports to the Bureau of Citrus Budwood Registration:
- (3) Misrepresenting citrus nursery stock as being progeny of registered source trees:
- (4) Misrepresenting the type of source tree from which citrus nursery stock was produced as certified trees:
- (5) Mishandling of budwood or scions, citrus nursery stock, or misuse of records thereof which do not verify or substantiate the correct parentage of citrus nursery stock or source trees:
- (6) Knowingly propagating budwood not meeting the requirements of this rule.
- (7) Any citrus nursery stock or budwood source tree found infected or exposed to the plant pests listed in Rule 5B-62.003, F.A.C.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History—New _____.

5B-62.024 Release from Quarantine or Withdrawal of Stop-Sale Notice or Hold Order (DACS-08016).

- (1) Trees shall be released from a Stop-Sale or Hold Order (DACS-08016) once conditions causing the Stop-Sale or Hold Order (DACS-08016) have been corrected and/or the pathogen threat has been found not to present a risk after evaluation by department scientists.
- (2) Risk evaluation shall be based on:
 - (a) Length of time deficiencies existed prior to correction.
 - (b) Number of past actions taken by the division.
 - (c) Type of pathogen or vector of concern.
 - (d) Identification of pathogen or vector
 - (e) Test results
 - (f) Presence or absence of pathogens, vectors and hosts in the geographic area of nursery site.

(g) Degree of infestation or population numbers of vectors.

(h) Chemical application records supporting appropriate use of pesticides.

(i) Destruction or treatment of infested material.

(j) Interviews with employees or customers familiar with operational procedures.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History—New _____.

5B-62.025 Fees.

An annual source tree registration fee shall be paid as follows:

Source Tree (includes seed source) \$5 per tree per year

Miscellaneous fees for division services:

Diagnostic Testing

| | |
|--------------------------------------|----------------------|
| <u>Biological greenhouse testing</u> | <u>\$50 per test</u> |
| <u>Laboratory PCR testing</u> | <u>\$25 per test</u> |
| <u>Laboratory ELISA testing</u> | <u>\$10 per test</u> |

| | |
|-----------------------------|-------------------------------------|
| <u>Parent tree indexing</u> | <u>\$200 per tree</u> |
| <u>Shoot-tip grafting</u> | <u>\$500 per selection</u> |
| <u>Budwood¹</u> | <u>25 cents/eye, \$5.00 minimum</u> |

Cut from foundation trees

| | |
|--------------------------------|-----------------------------------|
| <u>Tip cuttings (6 inches)</u> | <u>\$1.00 each</u> |
| <u>Tip cuttings (6 inches)</u> | <u>\$2.00 each (Out-of-State)</u> |

New Division of Plant Industry releases \$1.00/eye (first year)

| | |
|-------------------------|--|
| <u>Budwood shipment</u> | <u>\$2.00/eye, plus a \$100 processing fee(Out-of-State/Foreign)</u> |
|-------------------------|--|

Citrus seed \$100 per quart

Shipping and handling fee for budwood and seed in Florida Actual cost

Citrus Nursery Site Approval Fee shall include a \$50 per nematode sample plus mileage²

¹Requests for budwood are submitted on a Budwood Order Form DACS-08218.

²Mileage shall be based on the prevailing state mileage rate.

(1) Fees shall be paid prior to obtaining a Certificate of Source Tree Registration (DCS-08072) and annually thereafter on the anniversary date of the certificate.

(2) Fees not paid within 30 days of billing shall be considered past-due. A penalty of \$10.00 or 20 percent of the unpaid balance, whichever is greater, shall be assessed on all past-due fees.

(3) Cooperating research agencies whose registered citrus trees are used exclusively for planting on government property are exempt from payment of an annual registration fee for the first 100 trees.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History—New _____.

5B-62.026 Citrus Produced For Research Purposes.

Citrus trees produced for research purposes shall abide with the following items and shall not be exempt from other program requirements contained in this rule chapter.

(1) Citrus breeding programs at the USDA or University of Florida Institute of Food and Agricultural Sciences centers will be required to have protocols approved by the Division of Plant Industry for managing material from the field entering and leaving quarantine greenhouses, specifically dealing with testing for citrus tristeza virus, citrus greening and citrus canker.

(2) Source trees utilized by research agencies may remain on site provided they are maintained under protective cover as specified in Rule 5B-62.010, F.A.C.

(3) Breeding selections intended for general citrus industry release must meet all the requirements of Rule 5B-62.013, F.A.C., Parent Trees.

(4) Research facilities shall sign a Citrus Budwood Protection Program Research Facility Compliance Agreement, DACS-08031.

(5) Requests to plant pathogen infected material for research projects shall be made on an Application and Permit To Plant Citrus Pathogen Infected Stock, DACS-08274.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History—New _____.

5B-62.027 Exemptions.

(1) Retail outlets having less than 40 citrus trees in stock at any given time, are exempt from subsection 5B-62.020(2), F.A.C. Long term maintenance of dooryard trees after leaving the propagation greenhouses is regulated by an approved nursery protocol describing steps the nursery will implement to protect, chemically treat and inspect.

(2) Propagation of pathogen-infected material maintained in the proper enclosed structure for the purpose of testing or shoot-tip grafting with the approval of the Department.

(3) Sites for Dooryard citrus established prior to April 1, 2006 will be exempt from the nematode certification requirements.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History—New _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF CORRECTIONS

RULE TITLE: Admissible Reading Material
 RULE NO.: 33-501.401

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide criteria for admission of blank journals or diaries.

SUBJECT AREA TO BE ADDRESSED: Admissible reading material.

SPECIFIC AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.11 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-501.401 Admissible Reading Material.

(1) through (24) No change.

(25) Blank journals or diaries.

(a) Restrictions.

1. Quantity – see possession limits set forth in paragraph (17)(d);

2. Size – limited to 9"x12";

3. Medium – limited to paper;

4. Binding – limited to glue bindings; journals with staples or metal or spiral bindings shall not be permitted;

5. Cover, if any – limited to thin, non-laminated flexible paper (paperback);

6. Can not have any audio or electronic components.

(b) Authorized sources:

1. Inmates shall be permitted to receive diaries or journals from publishers, mail order distributors and bookstores.

2. Chaplaincy services and other authorized programs of the department shall be authorized to accept donations of diaries and journals for distribution to inmates, however, the diaries and journals must comply with the requirements of this rule.

(c) Diaries or journals that contain written or pictorial matter that is inadmissible per subsection (3) of this rule shall be rejected and shall not be issued to inmates.

(26)(25) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 944.11 FS. History—New 10-8-76, Amended 3-3-81, 9-24-81, Formerly 33-3.12, Amended 6-9-87, 3-11-91, 12-17-91, 3-30-94, 11-2-94, 5-10-98, 10-20-98, Formerly 33-3.012, Amended 3-21-00, 8-10-00, 10-13-02, 7-2-03, 12-30-04, 9-5-05, _____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-2.0311 RULE TITLE: Tax Rate Avoidance Transfers

PURPOSE AND EFFECT: This rule implements Section 443.131(3)(g), Florida Statutes and describes the process by which the Agency for Workforce Innovation and its tax collection service provider, the Department of Revenue, determine how the unemployment experience and contribution rate of a business will be affected by the transfer of workforce from or acquisition of another business.

SUBJECT AREA TO BE ADDRESSED: Unemployment Compensation Tax.

SPECIFIC AUTHORITY: 443.1317(1)(b) FS.

LAW IMPLEMENTED: 443.131(3)(g) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: John R. Perry, Senior Attorney, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-3.029 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: This rule sets forth the forms to be used by the Agency for Workforce Innovation in the administration of its Unemployment Compensation Program. The form incorporated by reference into this rule implements the statutory provisions regarding release of confidential unemployment compensation information in workers' compensation cases set forth in Sections 443.171(5), 443.1715(1), and 443.1715(2)(b)1., Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Unemployment Compensation Claims and Benefits.

SPECIFIC AUTHORITY: 443.1317(1)(b) FS.

LAW IMPLEMENTED: 443.171(5), 443.1715(1), 443.1715(2)(b)1. FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John R. Perry, Senior Attorney, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60BB-3.029 Public Use Forms.

(1) The following forms and instructions are used by the Agency for Workforce Innovation in its dealings with the public in the administration of the unemployment compensation program, and are hereby incorporated by reference into this rule:

(a) AWI Form ERWC.

(b) AWI Form AWA-01 (Rev. 3/2005).

(2) These forms may be found at http://www.floridajobs.org/unemployment/uc_emp_forms.html

Specific Authority 443.1317(1)(b) FS. Law Implemented 443.171(5), 443.1715(1), 443.1715(2)(b)1. FS. History--New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NO.: 61B-23.0021 RULE TITLE: Regular Elections; Vacancies Caused by Expiration of Term, Resignations, Death

PURPOSE AND EFFECT: Rule 61B-23.0021, F.A.C., in conjunction with Section 718.112(2)(d)3., F.S., provides procedures for the conduct of condominium association elections. These procedures include, but are not limited to, providing notice of the date of the election by mail or delivery not less than 60 days before a scheduled election; providing candidate information sheets to eligible voters; and providing that written ballots shall contain the name of each eligible candidate. This rule amendment proposes that the association's failure to follow any of these three mandated procedures shall render any election so held null and void. These election errors are fundamental in nature, and the failure to provide adequate notice of an election, the failure to include candidate information sheets, and the failure of an association to place all the names of all eligible names on the ballot implicate the statutory right to vote as well as the right to run for office. Providing this rule will offer guidance to associations who commit these and other errors and will permit an association to cancel an election where fundamental pre-election error has occurred, thereby saving the time and expense of going forward with a void election.

Note that these rule amendments will re-adopt rule provisions previously included in Rule 61B-23.0021, F.A.C., but deleted in order to reduce the overall quantity of rules existing in this area.

SUBJECT AREA TO BE ADDRESSED: This rule amendment proposal addresses instances in which a condominium association election may be held null and void.

SPECIFIC AUTHORITY: 718.112(2)(d)3., 718.501(1)(f), 718.5012(9) FS.

LAW IMPLEMENTED: 718.112, 718.301, 718.5012(9) FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW.

DATE AND TIME: April 10, 2006, 10:00 a.m.

PLACE: Conference Room, Suite 16, The Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting: Sharon A. Malloy, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE AND IS AVAILABLE ONLINE AT: <http://www.state.fl.us/dbpr/lsc/index.shtml>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-20.007 **RULE TITLE:** Foreign Degrees

PURPOSE AND EFFECT: Purpose and effect is to delete one of the approved evaluation services because the evaluations do not conform to Board standards.

SUBJECT AREA TO BE ADDRESSED: Foreign Degrees

SPECIFIC AUTHORITY: 471.008 FS.

LAW IMPLEMENTED: 471.013, 471.015 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS :

61G15-20.007 Foreign Degrees.

(1) through (3) No change.

(4) The applicant must request an evaluation of substantial equivalency of his or her credentials to EAC/ABET standards through either Engineering Credentials Evaluation International, 111 Market Place, #171, Baltimore, Maryland 21202; ~~Foreign Credentials Service of America, 1910 Justin Lane, Austin, Texas 78757-2411;~~ or Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124.

(5) No change.

Specific Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History--New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02, 6-13-02, 6-30-02, 10-2-03, 6-16-04, 3-13-05, 5-1-05,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-22.011 **RULE TITLE:** Board Approval of Continuing Education Providers

PURPOSE AND EFFECT: Purpose and effect is to extend the renewal date for exempt continuing education providers.

SUBJECT AREA TO BE ADDRESSED: Board Approval of Continuing Education Providers.

SPECIFIC AUTHORITY: 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-22.011 Board Approval of Continuing Education Providers.

(1) through (8) No change.

(9) The following providers shall be approved as providers until ~~May 31, 2009~~ ~~July 1, 2006~~, and the Board shall accept their courses for continuing education credit:

(a) through (c) No change.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History--New 9-16-01, Amended 9-4-02, 12-21-03, 8-8-05,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF JUVENILE JUSTICE

Probation

| | |
|-------------------|--------------------------------------|
| RULE NOS.: | RULE TITLES: |
| 63D-2.001 | Purpose and Scope |
| 63D-2.002 | Procedure for Assessing Risk |
| 63D-2.003 | Detention Risk Assessment Instrument |

PURPOSE AND EFFECT: The proposed rule specifies the requirements and criteria that govern a juvenile probation officer’s assessment of the risk posed by a child in custody when making the initial detention determination.

SUBJECT AREA TO BE ADDRESSED: The form and process used to perform detention risk assessment.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.213 FS.

LAW IMPLEMENTED: 985.213 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND DATE: Monday, April 10, 2006, 10:00 a.m. – 12:00 Noon

PLACE: 5400 South University Drive, Ste. 202, Davie, Florida

DATE AND DATE: Monday, April 10, 2006, 10:00 a.m. – 12:00 Noon

PLACE: DJJ Residential Services Central Region Office, 4524 Oak Fair Blvd., Ste. 200, Tampa, Florida

DATE AND DATE: Monday, April 10, 2006, 10:00 a.m. – 12:00 Noon

PLACE: DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Ste. 312, Tallahassee, FL 32399-3100, e-mail clyde.benedix@djj.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF JUVENILE JUSTICE

Administration

| | |
|-------------------|------------------------------|
| RULE NOS.: | RULE TITLES: |
| 63F-9.001 | Purpose and Scope |
| 63F-9.002 | Definitions |
| 63F-9.003 | Program Accountability Model |

PURPOSE AND EFFECT: The proposed rule specifies the process and measures to be used in assessing the cost effectiveness of department operated or contracted programs.

SUBJECT AREA TO BE ADDRESSED: The modes for assessing program accountability and cost effectiveness.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.412 FS.

LAW IMPLEMENTED: 985.412 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Ste. 312, Tallahassee, FL 32399-3100, e-mail clyde.benedix@djj.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF JUVENILE JUSTICE

Quality Assurance

| | |
|-------------------|--------------------------------------|
| RULE NOS.: | RULE TITLES: |
| 63L-1.001 | Purpose and Scope |
| 63L-1.002 | Definitions |
| 63L-1.003 | Quality Assurance Standards |
| 63L-1.004 | Quality Assurance Peer Reviewers |
| 63L-1.005 | Conducting Quality Assurance Reviews |
| 63L-1.006 | Challenges and Mediation |

| | |
|-----------|---|
| 63L-1.007 | Waivers and Alternative Compliance Measures |
| 63L-1.008 | Deemed Status |
| 63L-1.009 | Conditional Status |
| 63L-1.010 | Failure to Meet Minimum Levels of Performance or Compliance |
| 63L-1.011 | Internal Review Board |
| 63L-1.012 | Quality Assurance Reporting Requirements |

PURPOSE AND EFFECT: The proposed rule specifies the process by which the department’s quality assurance system will evaluate state and contracted programs throughout the juvenile justice continuum.

SUBJECT AREA TO BE ADDRESSED: Quality assurance process for the inspection and evaluation of juvenile justice programs.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.412 FS.

LAW IMPLEMENTED: 985.412 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Ste. 312, Tallahassee, FL 32399-3100, e-mail clayde.benedix@djj.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.001
RULE TITLE: Division of Cultural Affairs

PURPOSE AND EFFECT: The purpose of this amendment is to establish in rule the most recent eligibility, matching funds, and grant administration criteria.

SUMMARY: The proposed rule details the eligibility, matching funds, and grant administration criteria for the Division’s Cultural Facilities Program and incorporates by reference the most recent application form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 265.284(5)(d), 265.285(1)(c), 265.286(1), 265.701(4) FS.

LAW IMPLEMENTED: 215.97, 265.284, 265.285, 265.286, 265.701, 286.011, 286.012, 286.25 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, April 17, 2006, 9:30 a.m.

PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Morgan Barr, (850)245-6456.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandy Shaughessy, Director, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.001 Division of Cultural Affairs.

(17) Cultural Facilities Program. The purpose of this program is to coordinate and guide the State of Florida’s support and funding ~~for the~~ of renovation, construction, or acquisition of cultural facilities. This program ~~is~~ is not intended to fund project planning, such as feasibility studies and architectural drawings, or operational support.

(a) Administrative and Legal Eligibility. The applicant for a cultural facilities grant must:

1. Be a public entity governed by either a municipality, county, or qualified corporation as defined in Section 265.701(2), Florida Statutes.

2. Have ownership ~~or undisturbed use~~ of the land, ~~and~~ building(s), or both situated upon the property where the cultural facility is or will be located; or

3. Have an executed lease for the undisturbed use of the land, building(s), or both upon the property where the cultural facility is or will be located. In those the cases where either the land, or building(s), or both, are is leased and not owned, fee simple, by the applicant, the all underlying owner(s) must also