

Notice of Emergency Rule

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.:RULE TITLE:

5BER24-10Exposed Citrus Nursery Stock

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 581.1843(2), Florida Statutes, requires all citrus nursery stock to be produced in a protective structure approved by the Department. Rule Chapter 5B-62, Florida Administrative Code, adopts the Department's standards for those structures. Hurricane Helene has created emergency conditions jeopardizing the movement of citrus nursery stock in structures that have been compromised and impacted industry's ability to move nursery stock.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The provisions of this rule are narrowly tailored to assist in the movement of exposed citrus nursery stock during the emergency conditions created by Hurricane Helene. Due to the emergency conditions, citrus nurseries may be forced to destroy valuable nursery stock that are needed by the industry to help replace trees damaged by the hurricane without the allowances provided by this emergency rule.

SUMMARY: This emergency rule allows for exposed citrus nursery stock to be moved into structures away from clean material and to be sold to growers.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Justin Ezell, Chief, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Rd., Winter Haven, FL 33881, (863)298-3042.

THE FULL TEXT OF THE EMERGENCY RULE IS:

5BER24-10 Exposed Citrus Nursery Stock.

(1) Any citrus nursery stock within a greenhouse that was damaged due to the impact of Hurricane Helene or otherwise exposed shall be moved from the certified greenhouse into a non-certified structure within the permitted nursery or voluntarily destroyed by the nursery by November 30, 2024. All citrus nursery stock moved into a non-certified structure must be tracked by the nursery and the tracking records shall be made available to the Department upon request.

(2) Any citrus nursery stock moved into a non-certified structure within the permitted nursery will be exempt from compliance with Rule 5B-62, F.A.C., while this rule is in effect. No new nursery stock will be permitted to be started in a house with plant material that was impacted by the storm.

(3) Any exposed citrus nursery stock with Asian Citrus Psyllid nymphs or eggs present or exhibiting visual symptoms of Asiatic Citrus Canker, shall not be moved to another greenhouse nor be sold. All remaining exposed citrus nursery stock with no Asian Citrus Psyllid nymphs and or eggs present or no visual symptoms of Asiatic Citrus Canker, sold or provided to citrus growers shall be accompanied by a written notice that the citrus nursery stock may have been exposed to citrus diseases due to Hurricane Helene.

(4) Repaired certified citrus nursery greenhouses that were damaged due to Hurricane Helene shall be cleaned and sanitized as required by Rule Chapter 5B-62, F.A.C. Upon inspection and approval by the Department, the citrus nursery may start new citrus nursery stock plantings within the greenhouse that will be subject to the full requirements of Rule Chapter 5B-62, F.A.C.

(5) Scion houses that were compromised due to the hurricane are encouraged to be restarted from Foundation material as soon as possible. However, recognizing the shortage that destroying this material could cause, the Division will require testing quarterly and continuous inspections every thirty (30) days of these trees while this rule is in effect.

Rulemaking Authority 570.07(23), 581.031(1), (3), 581.1843(3) FS. Law Implemented 570.07(2), (13), 581.031(1), (14), (17), 581.1843 FS. History—New 9-26-24.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: 9/26/2024