

5E-4.006 Seed Standards.

The minimum standard for agricultural seeds shall be 60% (including hard seed or dormant seed) except hybrid field corn seed which shall be 90%, and hemp seed, which shall be 80% (including hard or dormant seed). For hemp seed which germinates less than the standard established by the department, the words “Below Standard” shall be prominently displayed on the label. Hemp seed below 60% germination may not be sold. The minimum standards for vegetable seeds are set forth in the documents incorporated herein. The Federal Seed Act Regulation specified in 7 CFR 201 (Revised January 1, 2018), are hereby incorporated by reference. Copies of this document may be obtained online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-10660>. Also incorporated by reference are the State Noxious-Weed Seed Requirements Recognized in the Administration of the Federal Seed Act, October 2018 publication. Copies of this document may be obtained online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10675>.

Rulemaking Authority 570.07(23), 578.11(2) FS. Law Implemented 578.11(2) FS. History—New 5-30-63, Amended 1-1-65, 11-21-69, Formerly 5E-4.06, Amended 2-7-89, 6-14-95, 6-9-98, 7-7-19, 1-28-20.

5E-4.007 Commercial Tests and Consumer Request Samples.

(1) The department will make commercial tests and perform analysis of consumer request samples of seed when such will not interfere with prescribed duties of the department.

(2) Definitions. As used in this rule, the following definitions shall apply:

(a) Consumer means individuals who purchase and use seed for plant production purposes.

(b) Consumer request seed samples means an official seed sample taken and analyzed by the department at the request of the consumer.

(3) Schedule of charges for the collection, packaging, shipment and analysis of consumer request seed samples and commercial tests is listed below:

Product	Type Test and Charge	
	Purity	Germination
(a) Aeschynomene	\$10.50	\$15.75
(b) Alfalfa	15.75	15.75
(c) Austrian Winter Pea	10.50	15.75
(d) Bahiagrass, All Varieties	21.00	21.00
(e) Beggarweed	10.50	15.75
(f) Bentgrass	15.75	15.75
(g) Bermudagrass	21.00	15.75
(h) Bluegrass	21.00	15.75
(i) Buckwheat	15.75	15.75
(j) Carpetgrass	21.00	15.75
(k) Centipedegrass	21.00	15.75
(l) Chufa	10.50	21.00
(m) Clovers	15.75	15.75
(n) Corn, Field or Sweet	10.50	21.00
(o) Cowpeas	10.50	15.75
(p) Fescue	21.00	15.75
(q) Flowers	15.75	15.75
(r) Flowers, Mixed	26.25	31.50
(s) Hairy Indigo	15.75	15.75
(t) Hemp	21.00	21.00
(u) Herbs	15.75	15.75
(v) Lespedeza	15.75	15.75
(w) Lovegrass	21.00	15.75
(x) Lupine	10.50	15.75
(y) Millets	15.75	15.75
(z) Mixed Grasses	36.75	36.75
(aa) Oats	15.75	15.75
(bb) Partridge Pea	10.50	15.75
(cc) Peanuts, Hulled	10.50	15.75
(dd) Rye	15.75	15.75
(ee) Ryegrass	21.00	15.75
(ff) Rice	15.75	15.75
(gg) Sesame	10.50	15.75
(hh) Sesbania	10.50	15.75
(ii) Sorghum	15.75	15.75
(jj) Soybeans	10.50	15.75
(kk) Sunflower	10.50	15.75
(ll) Timothy	15.75	15.75

(mm) Tobacco	15.75	15.75
(nn) Tree or Shrub Seed	15.75	21.00
(oo) Triticale	15.75	15.75
(pp) Vegetables	10.50	15.75
(qq) Velvet bean	10.50	15.75
(rr) Vetch	10.50	15.75
(ss) Wheat	15.75	15.75

(4) The Cold Test for corn is \$5.00.

(5) Seed not listed will be charged according to other seed of similar size.

(6) An additional charge of \$5.00 is required for testing germination of uncleaned seed.

(7) The charge for noxious weed test is equal to one-half of the charge of the purity test.

Rulemaking Authority 578.11(2) FS. Law Implemented 578.11(2)(h) FS. History—New 6-29-62, Amended 9-29-83, Formerly 5E-4.07, Amended 8-17-92, 7-7-19, 1-28-20.

5E-4.016 Hemp Seed and Cultivars.

(1) Definitions. The definitions provided in Sections 578.011, 581.217, F.S., and the following shall apply to Section 581.217, F.S., and this rule:

(a) “Certified hemp seed” means a class of hemp seed which is the progeny of breeder, foundation, or registered hemp seed certified by a certifying agency.

(b) “Pilot project hemp cultivar” is a clone or propagule of hemp approved by an institution or university conducting an industrial hemp pilot project pursuant to Section 1004.4473, F.S.

(c) “Pilot project hemp seed” is hemp seed approved by an institution or university conducting an industrial hemp pilot project pursuant to Section 1004.4473, F.S.

(d) “Total delta-9-tetrahydrocannabinol concentration” means $[\text{delta-9-tetrahydrocannabinol}] + (0.877 \times [\text{tetrahydrocannabinolic acid}])$.

(2) Pilot project hemp cultivars.

(a) An institution or university conducting an industrial hemp pilot project pursuant to Section 1004.4473, F.S., may approve pilot project hemp cultivars by complying with the following:

1. Obtain a sample of the hemp cultivar and documentation evidencing the identity and origin of the hemp cultivar to be approved; and

2. Following at least one growth cycle of a minimum of twelve (12) weeks, harvest all viable plants from the sample hemp cultivars, and perform testing on a representative sample to ensure the total delta-9-tetrahydrocannabinol concentration does not exceed 0.3 percent on a dry-weight basis. If the total delta-9-tetrahydrocannabinol concentration of the representative sample does not exceed 0.3 percent on a dry-weight basis, it may be approved by the institution or university. Collection of the representative sample must be done in accordance with the Hemp Field Sampling Manual, FDACS-08119, 12/19, incorporated herein by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-11493>. The Hemp Sample Submission Form FDACS-08113 rev. 12/19 is incorporated herein by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-11492>; and

3. Maintain records of all pilot project hemp cultivars approved by the institution or university for a minimum of two years.

(b) Approved pilot project hemp cultivars must be labeled as “Pilot Project Hemp Cultivar” and clearly identify the university or institution that granted the approval.

(3) Pilot project hemp seed.

(a) An institution or university conducting an industrial hemp pilot project pursuant to Section 1004.4473, F.S., shall follow all requirements found in Chapter 578, F.S., and Rule Chapter 5E-4, F.A.C., when approving pilot project hemp seed.

(b) An institution or university conducting an industrial hemp pilot project pursuant to Section 1004.4473, F.S., may approve pilot project hemp seed by complying with the following:

1. Obtain a sample of the hemp seed and documentation evidencing the identity and origin of the hemp seed to be approved; and

2. Perform testing to determine purity, germination, and noxious weed seed content as set forth in Rules 5E-4.003 and 5E-4.006, F.A.C. The manner of sampling, laboratory testing, and the tolerances to be applied to the results shall be the same as that set forth in the “2019 AOSA Rules for Testing Seed” published by The Association of Official Seed Analysts which is hereby incorporated by reference. Copies may be obtained from AOSA, 653 Constitution Avenue N.E., Washington, DC 20002, USA or <https://www.analyzeseeds.com/publications/>, and are also available for public inspection during regular business hours at the Florida Administrative Code and Register, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250 and at the Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Boulevard, Tallahassee, FL 32399-1650. Posting of the aftermentioned materials on the internet for purposes of public examination would violate federal copyright law; and

3. Following at least one growth cycle of a minimum of twelve (12) weeks, harvest all viable plants from the sample hemp seed, and perform testing on a representative sample of the plants to ensure the total delta-9-tetrahydrocannabinol concentration does not exceed 0.3 percent on a dry-weight basis. If the total delta-9-tetrahydrocannabinol concentration of the representative sample does not exceed 0.3 percent on a dry-weight basis, it may be approved by the institution or university. Collection of the representative sample must be done in accordance with the Hemp Field Sampling Manual, FDACS-08119, 12/19; and

4. Maintain records of all pilot project hemp seed approved by the institution or university pursuant to Section 578.23, F.S.

(c) Approved pilot project hemp seed must be labeled according to Rule 5E-4.002, F.A.C., include the statement “Pilot Project

Hemp Seed” and clearly identify the university or institution that granted the approval.

Rulemaking Authority 570.07(23), 578.11(2), 581.217(12) FS. Law Implemented 578.011(8), 578.23, 581.217(6), 581.217(12) FS. History—New 1-28-20.