

## New law pertaining to the harvest, sale and purchase of



### **SAW PALMETTO BERRIES**

#### **Section 581.189, Florida Statutes**

Effective **July 1, 2024**, there will be new requirements for both harvesters and those who buy, transport and process saw palmetto berries in Florida and new penalties for those who do not comply with the new law.

#### **Harvesters:**

- Saw palmetto berries may only be harvested from private property with prior written landowner permission and those harvesting must first have:
  - Written permission from the landowner, and
  - A permit from FDACS as provided in s. 581.185, Florida Statutes.
  - Written landowner permission must include:
    - Name, address, telephone number of landowner
    - Start date, end date, and location, including county, of the harvest
    - The landowner's actual or electronic signature
- Unauthorized harvest of saw palmetto berries from state public lands is not allowed. That means it is illegal to harvest from Florida state forests, state park lands, wildlife management areas, water management district lands, or any other category of public land unless authorized by the agency that administers the land. The unauthorized harvest of saw palmetto berries on public lands will be a third-degree felony beginning July 1, 2024.

#### **Buyers, transporters and processors**

- Are NOT REQUIRED to have a permit
- However, when you purchase saw palmetto berries from a harvester, you must maintain the following items and retain them for a period of two years from the date the harvest ends:
  - A bill of lading for the berries
  - A copy of the harvester's **entire** permit
  - A scan or photocopy of the harvester's valid government photo I.D.
  - A copy of the landowner's written permission to harvest, including:
    - Seller's name, address and telephone number
    - Date or dates of harvesting
    - Weight, quantity, or volume and description of the type of saw palmetto berries harvested



## Penalties

- Harvesting without a permit or written landowner's permission is a felony of the third degree, punishable by up to five years in state prison.
- A dealer, buyer or processor who buys or possesses unlawfully harvested saw palmetto berries commits a felony of the third degree punishable by up to five years in state prison.
- Anyone who presents a false, forged or altered document purporting to be the landowner's written permission to harvest commits a felony of the third degree punishable by up to five years in state prison.
- A dealer, buyer or processor of saw palmetto berries who fails to maintain a copy of the harvester's permit, copy of written landowner permission and copy of the harvester's valid government photo ID commits a misdemeanor of the first degree punishable by up to one year in a county jail.

## How to obtain a permit

- To harvest, sell, or transport the berries, individuals must obtain a **free** FDACS Permit to Harvest Endangered or Commercially Exploited Plant(s)
- Submission options: online portal, email, or regular mail
- **Reference Links:**
  - FDACS Saw Palmetto Berry Page
    - <https://www.fdacs.gov/Agriculture-Industry/Plant-Industry-Permits/Saw-Palmetto-Berry-Harvesting>
  - Permit Application
    - <https://forms.fdacs.gov/08025.pdf>
  - Online Portal for Electronic Submission
    - <https://nece.fdacs.gov/landing>
  - FDACS Division of Plant Industry (DPI)
    - Email: [DPISPB@FDACS.gov](mailto:DPISPB@FDACS.gov)
    - Tel: 1-888-397-1517
  - FDACS Division of Plant Industry
    - For technical difficulties with the online system, or for permit inquiries related to other native, endangered, and commercially exploited (NECE) species
    - Email: [DPINECE@FDACS.gov](mailto:DPINECE@FDACS.gov)
- Misplaced or lost permits
  - Replacement permits must be requested through DPI in a timely fashion. DPI operates Monday through Friday 8 AM to 5 PM ET, excluding state observed holidays. To request a new copy of the permit, either:
    - Call the DPI Helpline at 1-888-397-1517, or
    - Email [DPIHelpline@FDACS.gov](mailto:DPIHelpline@FDACS.gov)

For more information about [Commissioner Simpson](#) and the Florida Department of Agriculture and Consumer Services, visit [FDACS.GOV](http://FDACS.GOV).

