



April 27, 2020

To: B-Quarter Nursery Licensees & Any Interested Parties

Subject: Renewal of Licenses to Sell Nursery Stock and COVID-19

The following is a brief clarification and update on the renewal requirements for licenses to sell nursery stock and the impacts of COVID-19.

For all B-quarter licensees, your license to sell nursery stock for 2019-20 expired on March 31. All payments postmarked on or after April 11 are delinquent and require payment of a restoration fee (late fee) in accordance with California Food and Agricultural Code (FAC) Sections 6724-6726.

COVID-19 related impacts are causing delays in the receipt and processing of renewal payments. This will result in delinquent notices being sent later than usual to both delinquent nurseries and county inspectors (normally mailed on or around May 10 and May 31, respectively).

Any licensee whose payment is submitted late may request a waiver of the restoration fee "for reasons that are beyond the licensee's control", in accordance with FAC § 6727. A fee waiver request may be submitted by mail along with the renewal application or by e-mail to nurseryservices@cdfa.ca.gov. All fee waiver requests are reviewed by Nursery Services staff prior to approval.

For any business that is temporarily closed and/or is unable to sell nursery stock, FAC § 6727 also provides that no restoration fee is required if no nursery stock was sold during the unlicensed period. If your nursery is temporarily closed, due to COVID-19 or any other reasons, please notify Nursery Services staff and they will mark your license as suspended and coordinate with you and your county agricultural commissioner to maintain your status and bring you back into compliance once you reopen.

The application for a license to sell nursery stock and other information on the sale and production of nursery stock in California can be found online at <https://www.cdfa.ca.gov/plant/pe/nsc/nursery/>. Please contact the Nursery Services Program at (916) 654-0435 or nurseryservices@cdfa.ca.gov for additional questions.

Attachment: Relevant California Law



Relevant California Law

California Food and Agricultural Code (FAC):

FAC § 6721. It is unlawful, for any person, except a person who is expressly exempt pursuant to Section 6742 or 6743, to sell any nursery stock unless such person holds a valid license which is issued pursuant to this chapter.

FAC § 6724. There shall be four licensing periods as follows: January through December, April through March, July through June, and October through September. The fees for the renewal of the license for the foregoing periods shall be paid by the 1st day of the first month of the licensee's license period. If the renewal license fee is not paid prior to the 11th day of the first month of the licensee's license period, for the 12-month period ensuing, the license to sell nursery stock is forfeited.

FAC § 6725. Any person whose license to sell nursery stock has been forfeited shall not be issued a renewal license except upon written application to the department.

FAC § 6726. Except as otherwise provided in Section 6727, the application for renewal of a license shall be accompanied by the following sums:

(a) If no part of the minimum license fee has been paid, a sum which is equal to the minimum license fee and a restoration fee in an amount that is equal to the minimum license fee.

(b) If a part of the minimum license fee has been paid, an amount which is a sum equal to any portion of the minimum license fee which is unpaid on the 11th day of the first month of the licensee's license period and a restoration fee in an amount which is equal to the unpaid portion of the minimum license fee.

FAC § 6727. No restoration fee is required of any person whose application for renewal of a license is accompanied by his signed statement that prior to the date of his application and payment of the minimum license fee he has not sold any nursery stock during any part of the license period for which he applies for renewal of the license. The director also may accept, at his discretion, the licensee's affidavit that the minimum license fee was not paid within the time limits specified in Section 6724 for reasons beyond the licensee's control.