

NOTICE OF PROPOSED RULE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DIVISION OF AGRICULTURAL ENVIRONMENTAL SERVICES

RULE TITLE:	RULE NO:
MOSQUITO CONTROL PROGRAM ADMINISTRATION	5E-13
Definitions.	5E-13.021
Eligibility for State Aid.	5E-13.022
Certified Budgets, Filing.	5E-13.027
State Aid Basis and Availability	5E-13.030
District or County Use of Funds	5E-13.031
Program Directors, Employment and Classification	5E-13.032
Penalty for Failure to Comply with Public Law 92-516, the Federal Insecticide, Fungicide, and Rodenticide Act(FIFRA) of the U.S. Environmental Protection Agency and their Rules	5E-13.034
Intent	5E-13.035
Demonstrable Increase or Other Indicator of Arthropod Population Level	5E-13.036
Aircraft Application for the Control of Adult Arthropods	5E-13.037
Protection of Natural Resources and of the Health, Safety, and Welfare of Arthropod Control Employees and the General Public	5E-13.039
Criteria for Licensure or Certification of Applicators	5E-13.040

PURPOSE, EFFECT AND SUMMARY: The purpose and effect of the rule development is to amend rule 5E-13 to address changes to Statute and to develop modifications for the required Mosquito Control State Approved Program forms. The subject area to be addressed is modification of Mosquito Control State eligibility and reporting requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared. Any person who wishes to provide information regarding the SOERC, or to provide a proposal for a lower cost alternative must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 388.361

LAW IMPLEMENTED: 388.201, 388.261, 388.271, 388.281, 388.341 FS, 388.361, 388.4111, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 A.M., March 5, 2004.

PLACE: George Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida. Tel. No. 850-488-7447.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Steven Dwinell, Department of Agriculture and Consumer Services, Room 130, 3125 Conner Blvd., Tallahassee, Florida 32399-1650.

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-13.021 Definitions.

(1) “Approved Mosquito Control Agency” - any county or district in current compliance with sections 388.101 or 388.241, ~~388.162~~, 388.261(2), 403.088(1), 388.271, 388.341, Florida Statutes and Rule 5E-13.032, Florida Administrative Code.

(2) No change.

(3) “Arthropods” - those insects of public health or nuisance importance, including all mosquitoes, biting and non-biting midges, dog flies, filth-house flies, and biting yellow flies. ~~;~~ ~~and sand flies.~~

(4) “Certified budget” - district or county budget for control of arthropods attested to by the clerk of the circuit court, notary public of the state of Florida, secretary of the board of commissioners or any other person duly authorized by law under the official seal of the district or county.

(5) through (12) No change

(13) “Labeling” - all labels and all other written, printed, or graphic matter:

(a) Accompanying the pesticide or device at any time; or

(b) To which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Departments of Agriculture and Interior, the Department of Health and Human Services, ~~Education and Welfare~~, and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

(14) through (19) No change

(20) “Director” - a qualified person responsible for the planning and direct supervision of a district as defined under Section 388.011(5), 2 F.S., who directs the execution of a county or district mosquito control program and oversees its day-to-day activities.

(21) thru (23) No change

(24) “Public land management agency” - any federal, state, or county agency that may be responsible for the management of such public lands as parks, wildlife management areas, preserves, fishing grounds, sea shores, etc., including but not limited to the department, the Florida Department of Environmental Protection, Fish and Wildlife Conservation Game and Fresh Water Fish Commission, and Trustees of the Internal Improvement Trust Fund.

(25) thru (26) No change

(27) “Tentative” Annual Certified Budget – a budget that will be submitted to the mosquito control board for the county and/or district for approval for the upcoming fiscal year.

(28) “Landing rate count” - a method of determining adult mosquito levels by counting all mosquitoes that land on the visible portion of lower body during a one minute period. Results are expressed as numbers of mosquitoes per minute.

(29) “Direct supervision” - supervision in which the supervisor must be in immediate verbal contact, either directly or by electronic means, including, but not limited to, cell phones, radios and computers.

SPECIFIC AUTHORITY 388.361 FS.

LAW IMPLEMENTED 388.361, ~~388.4111~~-FS. History-New 1-1-77, Formerly 10D-54.21, Amended 2-10-87, Formerly 10D-54.021, Amended 3-14-94, _____.

5E-13.022 Eligibility for State Approved Program and/or Aid.

(1) A district or county may be eligible to receive state aid for control of arthropods when it provides the following: an item in its annual budget for such purpose; a contract agreement with the department; signed acknowledgement of being subject to Chapter 215.97, F.S.; a detailed work plan budget; an operational work plan narrative; and the district or county complies with provisions of Section 388.271(1),F.S.

(2) No change

(3) Participating districts or counties that do not want to receive state aid but want to remain or become a state approved program may be eligible when they provide the following: an annual

budget for such purpose; a contract agreement with the department; signed acknowledgement of being subject to Chapter 215.97, F.S.; a detailed work plan budget; an operational work plan narrative; and the district or county complies with provisions of Section 388.271(1),F.S.

SPECIFIC AUTHORITY 388.361 FS.

LAW IMPLEMENTED 388.361 FS., Section 11, Chapter 91-428, Laws of Florida. History-
New 1-1-77, Formerly 10D-54.22, 10D-54.022, Amended_____.

5E-13.027 Certified Budgets, Filing.

(1) Not later than September 15 each district or county shall submit to the department two (2) copies of a certified budget on form DACS 130617, Annual Certified Budget for Arthropod Control, (Rev. 9/03) (~~3/95~~), is hereby incorporated by reference. Differences in amounts shown on the approved detailed budget and certified budget must be explained by accompanying requests for approval of changes to be made in the detailed budget. The certified budget shall show all estimated cash carry-over amounts as a beginning cash balance. When the estimated cash carry-over amount in any fund is found to be less than the actual cash carry-over amount, a budget amendment shall be submitted to budget the additional amount of funds. However, only local fund carry overs re-budgeted by October 30th will be matched. The department shall make an adjustment in funding amounts payable to the district or counties in the last 3 quarters of current fiscal year and provide notification to each district or county of any distribution changes due to the re-budget. A written request for extension of the September 15 deadline will be authorized provided the request is based on the existence of a documented urgent, non-routine situation, and a “tentative” Annual Certified Budget signed by the director is received by the department prior to the September 15 deadline that applies. Deadline failures will result in delay or loss of state aid which may be re-distributed to other existing state approved programs.

(2) Budget amendments on form DACS 130613 (Rev. 9/03) (~~3/95~~), entitled “Arthropod Control Budget Amendment,” shall be prepared and submitted to the department prior to over-expending state funds in any account or expending state funds in non-budgeted accounts. Budget

amendments must be explained by accompanying requests for approval of changes to be made in the detailed budget. Department approval of the amendment(s) must be received before such expenditures are made. Copies of this form may be received from the department's Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301 ~~P.O. Box 210, Jacksonville, Florida 32231-0042.~~

(3) Not later than thirty (30) days after the end of each month, each district or county shall submit a monthly financial report to the department. Failure to meet the deadlines will delay the quarterly installment and/or result in re-distribution of state aid to other existing state approved programs.

(4) No change

(5) A district or county shall submit monthly chemical reports of accomplishments and an inventory of chemicals on department prescribed forms in a standardized format designated by the department to the department not later than thirty (30) days after the end of each month.

(6) No Change

(7) Forms DACS 130617, (Rev. 9/03) (3/95), entitled "Annual Certified Budget for Arthropod Control" and DACS 130613, (Rev. 9/03) (3/95), entitled "Arthropod Control Budget Amendment" are hereby incorporated by reference. Copies may be obtained from the Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301 ~~P.O. Box 210, Jacksonville, Florida 32231-0042.~~

SPECIFIC AUTHORITY 388.361 FS.

LAW IMPLEMENTED 388.201, 388.271, 388.341 FS., Section 11, Chapter 91-428, Laws of Florida. History-New 1-1-77, Formerly 10D-54.27, 10D-54.027, Amended 7-5-95, _____.

5E-13.030 State Aid Basis and Availability.

(1) A district or county shall be eligible to receive state funds on a dollar-for-dollar matching basis not to exceed \$120,000~~\$30,000~~ for any one county for any one year provided they meet the requirements of section 388.261~~(4)~~, Florida Statutes. Tentative allocations and payments shall be made on the basis of local funds budgeted. If total expenditures of local funds of a

district or county for the year are under ~~\$120,000~~\$30,000 and are less than the budgeted sum, a minus adjustment shall be made in the allocation, ~~and the payment of state funds in the manner described in Rule 5E-13.030(3).~~

(2) A county or district shall, without contributing matching funds, receive state funds, supplies, services, or equipment in an amount not to exceed ~~\$50,000~~\$30,000 per year for up to 3 years provided the district or county has a new ~~or expanded~~ mosquito control program which serves an area not previously served by the county or district. The total state funding provided for an expanded district will be calculated using the fund allocation formula applied to existing programs, but shall not be more than \$50,000 annually. As with existing programs, following the receipt and review of a district or county annual financial budget submitted in compliance with Chapter 388.261, F.S., the amount of state funds earned by a district or county for that fiscal year will be based on the amount legislatively authorized and released by the Executive Office of the Governor. (3) ~~In addition to all other state funds, every approved mosquito control agency shall be eligible to receive Mosquito Control/Waste Tire Abatement Grant funds as set forth in Section 403.709(2)(e), Florida Statutes, these funds are to be used for the specific purpose of abating and providing mosquito control relating to waste tire sites, other waste debris sites and similar sites identified by local mosquito agencies as mosquito breeding areas. Each county with a mosquito control program like that described above shall receive a minimum of \$15,000. Any remaining funds shall be distributed to participating counties on the basis of county population. If more than one local mosquito control district exists in a county, the funds shall be prorated between the districts based on the population served by each district.~~

~~(3)~~(4) For purpose of budgeting state funds in any fiscal year districts or counties shall calculate amounts of state funds available to them based on estimates provided by the department. Tentative allocations and payments shall be made on the basis of matchable local funds budgeted.

~~(4)~~(5) Following receipt and review of a district or county annual financial report submitted in compliance with Chapter 388.271(1), F.S. Rule 5E-13.029(2), F.A.C. the amount of state funds

earned by a district or county for that fiscal year shall be determined by the department based on release of funds by the Executive Office of the Governor. ~~That amount is arrived at by dividing the total money appropriated by the number of participating counties or districts.~~ Any eligible county or district budgeting an amount less than that calculated, will have its share reduced to an amount equivalent to that budgeted. Additional funds made available by such a reduction will be divided evenly between the remaining counties or districts. Any over or under allocation of funds will be considered in computing state funds payable to the district or county the succeeding fiscal year. Districts or counties shall be notified of such adjustments in amount of funds to be allocated and if necessary shall amend amount of state funds budgeted. The department shall determine the amount of state funds available following receipt and approval of certified budgets for fiscal year beginning October 1. Following the determination of funds available, if necessary, the department shall make an adjustment in amounts of money payable to the district or counties in the last 3 quarters of current fiscal year. Districts or counties shall be notified of the amount of money payable to them and if necessary shall amend amounts of state funds budgeted.

~~(5)(6)~~ The amount of state funds available to a district or county for any fiscal year shall be paid in quarterly installments.

SPECIFIC AUTHORITY 388.361 FS.

LAW IMPLEMENTED 388.261 FS History-New 1-1-77, Formerly 10D-54.30, 10D-54.030, Amended 3-14-94, _____.

5E-13.031 District or County Use of Funds.

(1) When purchasing ~~Prior to advertising for the purchase of equipment with state funds,~~ the district or county shall jointly determine with the department the type and size of equipment necessary to perform the work planned. The district or county shall submit complete specifications to the department for all equipment to be purchased ~~when the cost will exceed six thousand (\$6,000) dollars per unit, and shall receive an approved copy of said specifications~~ before advertising for bids.

(2) No change

(3) No change

(4) Proceeds from sale or rental of property purchased with ~~district county~~ or state funds shall be deposited and credited to State funds.

(5) through (6) No change

(7) Local and state funds shall be deposited in banks designated as depositories of public funds in accordance with provisions of Section ~~658.60~~ 659.24, F.S.

Specific Authority 388.361 FS. Law Implemented 388.281 FS History-New 1-1-77, Formerly 10D-54.31, 10D-54.031, Amended 3-14-94, _____.

5E-13.032 Program Directors, Employment and Classification.

(1) through (3) No Change

(4) The following minimum director classifications are based upon amount of local funds budgeted for the fiscal year in which they are initially employed and for which they assume responsibilities of administration.

(a) Director I -

Local budget ~~\$30,000.00~~ 10,000.00 to ~~\$249,999.99~~ 39,999.99.

State aid ~~\$15,000.00~~ to ~~\$24,999.99~~.

Minimum qualifications for Director I position:

High school graduate with minimum of three (3) years of training and field experience in control of mosquitoes, or three (3) years experience in managing a comparable program, or a graduate of four (4) year college or university with a degree in the basic sciences or engineering.

(b) Director II -

Local budget ~~\$250,000.00~~ 40,000 to ~~\$999,999.99~~.

State aid ~~\$25,000~~ to ~~\$49,999.99~~.

Minimum qualifications for Director II position:

Graduate of four (4) year college or university with a degree in the basic sciences or engineering. Requirements for college degree shall be waived upon proof of a satisfactory work experience record of four (4) years duration directing or assisting in directing a work program in the mosquito or arthropod control field of comparable size and budget to that of the District or County were the application is pending.

(c) Director III -

Local budget \$1,000,000.00 and over.

~~State aid \$50,000.00 and over.~~

Minimum qualifications for Director III position : Graduate of four (4) year college or university with a degree in the basic sciences or engineering and two years work experience in mosquito control.

(5) When a mosquito control program director's position is to be filled, the applicant shall take and pass a written Director Certification Examination prior to appointment or within six months of employment. Failure to do so may result in delay or loss of state aid which may be re-distributed to other existing state approved programs. A passing score of 70% or higher will be required for certification. The applicant must hold a valid Public Health Pest Control license in order to take the Director Certification Exam. Director Certification Exam scores shall be valid for a period of four (4) years from the date of issuance. Re-examination is not required as long as the qualified director remains in the same directorship position. Certification holders who have not found employment as a program director during this four year period, must retake the Director Certification Exam in order to re-qualify for the position. When a qualified director transfers to another district or program, they must re-take and pass the Director Certification Exam within 6 months of reassignment to the new directorship position only if their Director Certification has expired.

(6) The name and qualifications of a new program director must be forwarded to the department no later than forty five (45) day from employment date. Failure to do so may result in delay or loss of state aid which may be re-distributed to other existing state approved programs.

Law Implemented 388.162 FS. History-New 1-1-77, Formerly 10D-54.32,
Amended 2-10-87, Formerly 10D-54.032, Amended 3-14-94, 7-5-95, _____.

5E-13.034 Penalty for Failure to Comply with Public Law 92-516, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of the U. S. Environmental Protection Agency and Their Rules.

- (1) No Change
- (2) Certification of applicators may be suspended, revoked, or renewal thereof denied, by the Department, its successor agency or programs, upon one or more of the following grounds:

(a) through (f) No Change

(g) Failure of the certified applicators to maintain for a period of at least ~~two~~ three years operational records containing information on kinds, amounts, uses, dates, and places of application of restricted use of pesticides.

Specific Authority 388.361 F.S. Law Implemented 388.361 F.S., Section 11, Chapter 91-428, Laws of Florida, history-New 1-1-77, formerly 10D-54.34, 10D-54.034, Amended _____.

5E-13.035 Intent

It is the intent that Rules ~~5E-13.033 and~~ 5E-13.034, F.A.C., shall be subject to provisions of Public law 92-516 administered by the U.S. Environmental Protection Agency and their rules and/or by such laws as may be passed by the State of Florida, regarding the use and application of restricted pesticides as described and listed in the Federal register as rules of the U.S.

Environmental Protection Agency.

Specific Authority 388.361 F.S. Law Implemented 388.361 F.S., U.S. Pub. Law 92-516, Section 11, Chapter 91-428, Laws of Florida, History-New 1-1-77, Formerly 10D-54.35, 10D-54.-35, Amended _____.

5E-13.036 Demonstrable Increase or Other Indicators of Arthropod Population Level.

- (1) Mosquito and other arthropod control programs will insure that the application of pesticides

are made only when necessary by determining a need in accordance with specific criteria that demonstrate a potential for a mosquito-borne disease outbreak or numbers of disease vector mosquitoes sufficient for disease transmission or defined levels of, or a quantifiable increase in numbers of pestiferous mosquitoes or other arthropods as defined by Section 388.011(1), F.S. A large population of adult mosquitoes or other arthropods as defined by Section 388.011(1), F.S. must be demonstrated by a quantifiable increase in, or sustained elevated population level, in order to determine a need for the application of adulticides. At least one of the following criteria will be met and documented by records:

(a 1) ~~When a large population of adult mosquitoes is demonstrated by either a quantifiable increase in, or a sustained elevated, mosquito population level as detected by standard surveillance methods including citizen complaints.~~ (2) When adult mosquito populations build to levels exceeding 25 mosquitoes per trap night or 5 mosquitoes per trap hour during crepuscular periods.

(b 3) When service requests for ~~arthropod~~ mosquito control from the public have been confirmed ~~one or more recognized surveillance methods~~ by landing rate counts or trap counts.

(c 4) ~~When counts as determined by normal surveillance methods~~ landing rate counts in the daytime exceed 5 per minute for stable flies (dog flies) on beaches and bay shores.

(2 5) Aircraft applications of mosquito adulticides along beaches and bay shores shall be justified only when there is a demonstrable three-fold increase over a base population.

(3 6) Surveillance records shall be kept at least three (3) years to document need for adulticide applications.

Specific Authority 388.361 FS.

Law Implemented 388.361(2)(a) FS. History-New 2-10-87, Formerly 10D-54.036, Amended 3-14-94, 7-5-95, _____.

5E-13.037 Aircraft Application for the Control of Adult Arthropods.

(1) No Change

(2) Once the decision to apply an adulticide by aircraft is made, the following will apply:

(a) No change

(b) Adulticides selected shall be those labeled for aircraft application ~~in accordance with 5E-13.046(6)(b), F.A.C.~~ to provide adequate control of the problem mosquitoes or other arthropods and when used in accordance with widespread and commonly recognized practice it will not cause unreasonable adverse effects on the environment. Adulticide labels will be strictly followed.

(c) through (f) No Change

(3) No Change

Specific Authority 388.361 FS

Law Implemented 388.361(2)(a) FS., Section 11, Chapter 91-428, Laws of Florida. History-New 2-10-87, Formerly 10D-54.037. Amended _____.

5E-13.039 Protection of Natural Resources and of the Health, Safety, and Welfare of Arthropod Control Employees and the General Public.

(1) No Change

(2) To protect the health, safety and welfare of ~~arthropod~~ mosquito control employees and the general public, applicators certified in public health pest control ~~or health-related pest control~~ will supervise no more than ~~15~~ 5 uncertified employees and shall provide instructions and training to those employees to include the following:

(a) through (g) No Change

(3) A signed statement attesting that this instruction was provided by the certified applicator supervisor to each unlicensed applicator shall be kept on file and made available to the department upon request.

Specific Authority 388.361 FS.

Law Implemented 388.361(2)(d) FS., Section 11, Chapter 91-428, Laws of Florida. History-New 2-10-87, Formerly 10D-54.039. Amended _____.

5E-13.040 Criteria for Licensure or Certification of Applicators.

(1) No Change

(2) Licensing and exemptions. All persons who apply an arthropod control pesticide, unless they operate under the direct supervision of a licensed applicator, as defined in 5E-13.021(29), shall apply to the department for certification and be licensed as a Public Health Pest Control ~~an arthropod control pesticide~~ applicator by the department whether such pesticides used are classified as general use or restricted use, except those applicators controlling arthropods upon their own individual residential or agricultural property.

(3) Certification Standards. Competency standards for the certification of Public Health Pest Control applicators will be determined by ~~an examination that demonstrates a practical knowledge of the principles and practices of arthropod control and the safe use of pesticides and a category examination which demonstrates a~~ passing the Public Health Pest Control examination, which demonstrates a practical knowledge of the principles of mosquito control knowledge of vector-disease transmission as it relates to and influences application programs and vector-disease transmission. A passing grade of 70 percent, or above, will be required on this examination administered by the department. In addition, applicants must pass the General Standards (Core) exam, to demonstrate a knowledge of pesticide use and safety. A passing grade of 70 percent, or above, will be required on this examination administered by the department.

(4) Recertification. All ~~certified~~ persons licensed in Public Health Pest Control shall provide evidence of continued competency prior to ~~certificate~~ license renewal ~~by examination or by~~ accrual of not less than 16 hours of continuing education credit during each 4 year licensure period. ~~Each certificate holder shall complete a minimum of 2 hours of approved continuing education on legislation, safety, pesticide labeling, mosquito biology, and mosquito control techniques, or pass an examination given by the department. Failure to meet continuing education requirements or to pass an examination on the topics detailed above, shall result in the non renewal of a certificate~~ the license, and applicators must retake and pass both the Public Health Pest Control and the General Standards (Core) examinations to obtain a new license. Courses or programs to be considered for credit shall contain one or more of the following

topics:

(a) The law and rules of the state pertaining to mosquito control.

(b) Precautions necessary to safeguard life, health, and property in the conducting of mosquito control and the application of pesticides.

(c) Mosquitoes, their habits, identification, and relative importance as to nuisance and vectors of disease.

(d) Currently accepted practices in the conducting of measures for the control of adult and larval forms of mosquitoes and surveillance techniques.

(e) How to read labels, a review of current state and federal laws on labeling, and a review of changes in or additions to labels on pesticides used in mosquito control.

(5) through (6) No Change

~~(7) All applicators performing public health pest control shall be licensed by January 1, 1988.~~

(7 8) Public Health Pest Control applicators shall keep accurate records so that monthly activity reports relative to pesticide application, source reduction, water management, biological control and surveillance activities can be assessed by the department. Pesticides use records shall include the name of applicator, pesticide and amount used, how applied, where applied, rate of application, date and time of application. These reports shall be retained for a period of 3 years and be made available to the department upon request.

(8 9) Aerial applicators who apply an arthropod control pesticide, shall apply to the department for certification and be licensed as a Public Health Pest Control Aerial applicator by the department whether such pesticides used are classified as general use or restricted use, except those applicators controlling arthropods upon their own individual residential or agricultural property. Aerial applicators shall demonstrate a practical knowledge of the principles and practices of aerial pest control and the safe application of pesticides by aerial delivery means. Such competence will be demonstrated by passing in an aerial applicator examination the Aerial, Public Health Pest Control Applicator, and General Standards (Core) examinations administered by the department. There shall be no provision for an unlicensed aerial applicator to operate

under the supervision of a licensed aerial applicator. ~~In addition, aerial applicators conducting mosquito control operations must be certified in Public Health Pest Control as outlined above.~~

~~(10) All new mosquito control directors shall demonstrate competence in all the areas as heretofore described for Public Health Pest Control certification. In addition, a director must demonstrate an understanding of budgetary planning and mathematical calculations for mixing and applying pesticides. Directors shall demonstrate their knowledge of the above by passing an examination administered by the department.~~

Specific Authority 388.361 FS.

Law Implemented 388.361(4) FS. History-New 2-10-87, Formerly 10D-54.040, Amended 3-14-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Steve Dwinell, Assistant Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services.

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Steve Rutz, Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2003.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2003