

NOTICE OF CHANGE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DIVISION OF AGRICULTURAL ENVIRONMENTAL SERVICES

RULE TITLE:	RULE NO:
MOSQUITO CONTROL PROGRAM ADMINISTRATION	5E-13
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Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1, published in Volume 30, No.7, February 13, 2004, issue of the Florida Administrative Weekly. These changes reflect comments received from the Florida Administrative Procedures Committee and comments received at the hearing held on March 5, 2004.

THE RULE NOW READS AS FOLLOWS:

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

(28) “Direct supervision” - supervision in which the supervisor must be in immediate 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, ~~388.4114~~ FS. History-New 1-1-77, Formerly 10D-54.21, Amended 2-10-87, Formerly 10D-54.021, Amended 3-14-94, Amended _____.

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

(1) A district or county will 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; a signed acknowledgement of being subject to Chapter 215.97, F.S.; a detailed work plan budget on DACS Form 13623, (Rev 5/03) entitled “Detailed Work Plan Budget-Arthropod Control”; an operational work plan narrative on DACS Form 13666, (Rev 4/04) entitled “Operational Work Plan for Mosquito Control” hereby incorporated by reference and the district or county complies with provisions of Section 388.271(1),F.S. Copies of these forms 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.

(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 will be eligible when they provide the following: a memorandum agreement with the department that the district or county will provide monthly chemical reports of

accomplishments and an inventory of chemicals as required by Rule 5E-13.027 (5), Florida Administrative Code; a detailed work plan budget on DACS Form 13623, (Rev 5/03) entitled “Detailed Work Plan Budget-Arthropod Control”; an operational work plan narrative on DACS Form 13666, (Rev 4/04) entitled “Operational Work Plan for Mosquito Control”, hereby incorporated by reference, and the district or county complies with provisions of Section 388.271(1),F.S. and 388.341, F.S. Copies of these forms 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.

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)~~, and 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. 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.

(2) Budget amendments on form DACS 130613 (Rev. 9/03) (~~3/95~~), entitled "Arthropod Control Budget Amendment," and hereby incorporated by reference 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 on DACS Form 13663, (Rev 6/03) entitled "Mosquito Control Monthly Report" for Local Funds and DACS Form 13650, (Rev 6/03) entitled "Mosquito Control Monthly Report" for State Funds, hereby incorporated by reference. Failure to meet the deadlines will result in withholding of state aid until the required reports are submitted, and re-distribution of the state aid to other existing state approved programs if the reports are not received within 90 days of the deadline. Copies of these forms 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.

(4) No change

(5) A district or county shall submit monthly chemical reports of accomplishments and an inventory of chemicals on prescribed forms DACS Form 13664, (Rev 5/03) entitled "Mosquito Control

Chemical Inventory Report” and DACS Form 13652, (Rev 6/03) entitled “Mosquito Control Monthly Activity Report” for pesticide activity, hereby incorporated by reference, to the department not later than thirty (30) days after the end of each month. 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.

(6) No Change

~~(7) Forms DACS 130617, Annual Certified Budget for Arthropod Control (Rev. 9/03) (3/95) and DACS 130613 Arthropod Control Budget Amendment (Rev. 9/03) (3/95), 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 1, 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,~~

~~Amended _____.~~

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 matching~~able~~ local funds budgeted.

~~(4)~~(5) Following receipt and review of a district or county certified budget ~~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 twenty-five ~~six~~ thousand (\$25,000)~~(\$6,000)~~ dollars per unit and the purchase deviates from the approved detailed work plan, and shall receive an approved copy of said specifications before advertising for bids.

(2) thru (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) thru (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 388.231, 388.281, F.S. 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 examination prior to appointment or within six months of employment.

(6) This proposed subsection is deleted.

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, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE CHANGE IS:

Steven Dwinell, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650. (850)488-7447.