

NOTICE OF PROPOSED RULE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DIVISION OF AGRICULTURAL ENVIRONMENTAL SERVICES

BUREAU OF ENTOMOLOGY AND PEST CONTROL

RULE TITLE:	RULE NO.:
Entomology –Pest Control Regulations	5E-14
Use of Pesticides – Labels, Limitations, Precautions	5E-14.106
Application for Examination for Pest Control Operator’s Certificate and Special Identification Card	5E-14.117
Enforcement and Penalties	5E-14.149

PURPOSE AND EFFECT: The purpose and effect of the proposed rules are to add amendments to the rule allowing secondary treatments for preventive treatment for subterranean termite protection for new construction that do not have to be to all areas specified on the label of the pesticide, provided that a primary treatment is applied to all areas specified on the label, implement statutory changes to the requirements for limited certification for commercial landscape maintenance, and establish failure to obtain pest control identification cards as a major violation of department rules.

SUBJECT AREA TO BE ADDRESSED: Use of Pesticides for Preventive Treatment for New Construction, Limited Certification for Commercial Landscape Maintenance, and Enforcement and Penalties.

SPECIFIC AUTHORITY: 482.051, F.S.

LAW IMPLEMENTED: 482.051, 482. 156, 482.161, F.S.

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

Date and Time: March 9, 2007 at 10:00 a.m.

Place: George Eyster Auditorium, 3125 Conner Blvd. Tallahassee, Fl. 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Steve Dwinell,  
Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, Florida 32399.  
Telephone 850-488-7447.

THE FULL TEXT OF THE PROPOSED RULE IS:

**Section 5E-14.106 Use of Pesticides - Labels, Limitations, Precautions.**

(6) Pesticides used as the primary ~~for~~ treatment for the prevention of subterranean termites for new construction shall be applied in the specific amounts, concentration, and treatment areas designated by the label.

(9) When a pesticide registered as a preventive treatment for new construction has been applied as the a-primary preventive treatment for a structure in accordance with subsection 5E-14.106(6), F.A.C., or will be applied prior to completion of construction, a secondary treatment using a second pesticide registered for preventive treatment for new construction may be applied ~~in the amounts, concentration, and treatment area in~~ accordance with label directions.

Specific Authority 482.051 FS. Law Implemented 482.051(1) FS., P. L. 92-516, Section 1, Chapter 92-203, Laws of Florida, 482.051(5) as amended July 1, 2006. ch. 2006-289. History—New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.106, Amended 7-5-95, 4-17-03, 6-30-05,\_\_\_\_\_.

**5E-14.117 Application for Examination for Pest Control Operator's Certificate and Special Identification Card.**

(11) Applicants for limited certification in Commercial Landscape Maintenance shall submit an examination fee of \$150. ~~and be required to show evidence of having been in the landscape maintenance business for at least three years by submission of the following:~~

~~—(a) A signed statement by the applicant which recites:~~

~~— 1. The dates during which the applicant participated in the landscape maintenance business.~~

~~— 2. The address or addresses at which the applicant performed landscape maintenance business activities.~~

~~— 3. The name or names of the employer(s) for whom applicant performed landscape maintenance business activities.~~

~~—(b) Independent proof of participation in the lawn maintenance business for three (3) years including any one of the following:~~

~~— 1. W-2 employment records.~~

~~—2. Federal tax returns.~~

~~—3. Occupational licenses.~~

~~—4. Executed employment contracts or any other business or operational documentation which is regularly maintained as a business or operational record by any governmental agency, organization, business or person.~~

5. The annual recertification fee shall be \$75.

Specific Authority 482.051 FS. Law Implemented, 482.156 FS as amended July 1, 2006 ch.2006-289. History—New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.117, Amended 8-11-93, 7-5-95, 5-28-98, 4-29-02,\_\_\_\_\_.

#### **5E-14.149 Enforcement and Penalties**

(1) - (2) No change.

(3) Category of Violations. Minor violations are all violations other than those classified as major violations. Major violations are violations where:

(a) – (k) No change.

(l) A licensee or certified operator fails to comply with Chapter 482.091(1) or (2).

(4) - (15) No change.

Specific Authority 482.051, 570.07(23), F.S. Law Implemented 482.161, 482.163, F.S. History- July 13, 2006. Amended\_\_\_\_\_.

*NAME OF PERSON ORIGINATING PROPOSED RULE; Steve Dwinell, Assistant Director, Division of Agricultural Environmental Services.*

*NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Anderson H. Rackely, Director, Division of Agricultural Environmental Services.*

*DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2007.*

*DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006*