

NOTICE OF PROPOSED RULEMAKING

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DIVISION OF AGRICULTURAL ENVIRONMENTAL SERVICES

BUREAU OF COMPLIANCE MONITORING

RULE TITLE:

RULE NO.:

Pesticides

5E-2.028

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to delete obsolete website.

SUMMARY: The proposed rule action will delete an obsolete website and update and revise forms.

STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. Any person who wishes to provide information regarding a Statement of Estimated Regulatory Cost, or provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 487.042, 487.051, 570.07(23), F.S.

LAW IMPLEMENTED: 487.051, 487-160, F.S.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Mr. Bruce Nicely, Chief, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building #8, Tallahassee, Florida 32399-1650; telephone (850) 488-8731.

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-2.028 Restrictions on Use and Sale of Aldicarb; Permit Requirements and Procedures; Department Approval; Records; Penalties.

(1) – No changes.

(2) - Permit Requirements and Procedures.

(a) Prior to applying aldicarb in this state, the licensed applicator shall obtain a permit to apply aldicarb in Florida. Permits may be obtained by filing an application for permit with the department and meeting all permit requirements. Applications shall be filed either electronically on the web site <http://www.flpesticidepermit.org> ~~<http://www.temikpermit.com>~~ or in hard copy by delivery of a completed Application for Permit to Apply Aldicarb (Temik), Form DACS-13317, Rev. 06/08 ~~revised 9/06~~ , to the address listed on the form. For the purposes of this rule, filing means received by the department. Licensed pesticide applicators may obtain a username and password to use the electronic filing process by submitting a completed Request for Username and Password for Electronic Temik Permit Application, Form DACS-13356, Rev. 04/08 ~~revised 5/04~~, to the address listed on the form.

(b) – (d) No changes.

(3) Forms.

(a) Form DACS-13317, Rev. 06/08, Application for Permit to Apply Aldicarb (Temik), ~~revised 9/06~~, hereby adopted and incorporated by reference, may be obtained from the web site <http://www.doacs.state.fl.us/onestop/aes/temik.html> ~~<http://www.flaes.org>~~ or from the Pesticide Certification Section, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8 (L29),

Tallahassee, Florida 32399; telephone (850) 488-3314.

(b) Form DACS-13356, Rev. 04/08, Request for Username and Password for Electronic Temik Permit Application, ~~revised 5/04~~, hereby adopted and incorporated by reference, may be obtained from the web sites-

<http://www.doacs.state.fl.us/onestop/aes/temik.html> ~~<http://www.temikpermit.com>~~ or

~~<http://www.flaes.org>~~ or from the Pesticide Certification Section, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8 (L29),

Tallahassee, Florida 32399; telephone (850) 488-3314.

(4) - (6) – No changes.

Specific Authority 487.042, 487.051, 570.07(23) FS. Law Implemented 487.051, 487.160 FS. History–New 1-1-84, Amended 4-8-84, 5-8-85, Formerly 5E-2.28, Amended 2-9-93, 7-18-95, 9-21-98, 3-28-02, 11-8-06, _____08.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Bruce Nicely

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Mr. Anderson “Andy” Rackley

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 07/01/08

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

05/02/08.