

NOTICE OF PROPOSED RULE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DIVISION OF AGRICULTURAL ENVIRONMENTAL SERVICES

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Entomology - Pest Control Regulations 5E-14

RULE TITLES: RULE NOS.:

Licensee Identification – Vehicles, Equipment 5E-14.103

Termite or other wood-destroying organism  
inspection report: 5E-14.142

**PURPOSE, EFFECT AND SUMMARY:** The purpose of the rule amendment is to implement Section 482.051(2) that provides authority to allow temporary signage for pest control vehicles used exclusively for sales and solicitation. It also adds an inspection standard that defines wood destroying fungi to exclude surface molds that do not cause damage to wood and adopts a revision to the wood destroying organism inspection report regarding opinions about health effects from mold infestation.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No SOERC 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 in writing within 21 days of this notice.

**SPECIFIC AUTHORITY:** 482.051, 482.226, F.S.

**LAW IMPLEMENTED:** 482.051, F.S., 482.226, F.S.

**A RULE HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** March 11, 2004 1:00 pm

PLACE: Conference Room C, Hurston Building South Tower, 400 South Robinson St.,  
Orlando, Fl. 32810.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE

DEVELOPMENT: Mr. Steven Dwinell, Assistant Director, Department of Agriculture and  
Consumer Services, Room 130, 3125 Conner Blvd., Tallahassee, Fl 32399-1650.

THE TEXT OF THE PROPOSED RULE IS:

5E-14.103 Licensee Identification - Vehicles, Equipment.

To assist the Department in enforcement of Chapter 482, F.S., and all regulations thereunder, the licensee shall identify all units or equipment used by him or in his behalf for pest control as follows:

(1) All motor vehicles and all trailers used in behalf of or by any licensee or licensee's employees in the conduct of pest control shall be permanently marked for easy identification with the licensee's name or trade name, as registered with the Department. The term "permanently marked" shall mean paint or decals applied to the vehicle body itself. Magnetic signs are prohibited except as provided below. This requirement may be waived by the Department for a period of time not to exceed fifteen (15) working days in authentic and verifiable emergencies when the licensee has given written notice to the ~~Entomologist-Inspector~~ Department in the area describing the cause of the emergency, the vehicle being replaced, the substituting vehicle, and the anticipated termination date of the emergency. Vehicles used exclusively for the purpose of sales and soliciting of business may be temporarily marked, including the use of magnetic signs, provided that no pesticides or pesticide application equipment are carried in the vehicle. All vehicles used in the conduct of pest control that carry or contain pesticides or pesticide application equipment, or perform wood destroying organisms inspection for the purpose of real estate transactions in accordance with Chapter 482.226(1) and (2), F.S., shall be permanently marked as provided above.

Specific Authority 482.051(~~2~~) FS. Law Implemented 482.051(~~1~~2), 482.161, 482.191 FS., Section 1, Chapter 92-203, Laws of Florida. History—New

1-1-77, Joint Administrative Procedures Committee Objection Withdrawn – See FAW Vol. 3, No. 30, July 29, 1977, Amended 6-27-79, Formerly 10D-55.103.

5E-14.142 Responsibilities and Duties – Records Reports, Advertising, Applications.

(1) through (2) (b) No change.

(c) Termite or other wood-destroying organism inspection report:

Pursuant to Sections 482.226(1),(2),(4) and (5), F.S., each licensee having a certified operator in the category of termite or other wood-destroying organism control and who makes and reports the findings of a wood-destroying organism inspection in writing shall provide the party requesting the inspection with the inspection findings in the Wood-Destroying Organisms Inspection Report prescribed by the Department and furnished by the licensee, DACS 13645, Rev. ~~02/04~~ ~~3/02~~, which is incorporated by reference. The licensee shall not place any disclaimers or additional language on the Wood Destroying Organisms Inspection Report. The licensee shall inspect for all wood-destroying organisms as defined in Section 482.021(28), F.S., in accordance with the following inspection standards:

1. through 2. No change.

3. The inspection shall include an examination for visual evidence of wood-decaying fungi and damage caused by wood-decaying fungi. Wood-decaying fungi are fungi that contain enzymes necessary to degrade cellulose in wood and that can cause damage to wood, such as those that produce white rot, brown rot, and cubical rot, but not surface molds that do not cause damage to sound wood.

Specific Authority 482.051 F.S. Law Implemented ~~482.061~~, 482.071, 482.091,

~~482.111(5),(9)~~, 482.161(1)(g), 482.226(1),(2),(4), (5), and (6) F.S. History-new 1-2-77,

Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, 4-17-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Steve Dwinell, 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: September 10, 2003.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003.

