

NOTICE OF PROPOSED RULE

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DIVISION OF AGRICULTURAL ENVIRONMENTAL SERVICES

RULE NO.: 5E-14.117 RULE TITLE: Application for Examination for Pest Control Operator's Certificate and Special Identification Card; Limited Certificate for Urban Landscape Commercial Fertilizer Application.

PURPOSE AND EFFECT: The application fee for structural pest control category examination for applicants who have failed the examination and reapply to take it will be increased from \$225 to \$300. Section 482.1562 (1), F.S. directs the Department to establish a limited certification for urban landscape commercial fertilizer application. This proposed rule change will establish the requirements for the limited certification for urban landscape commercial fertilizer application and a procedure for obtaining the limited certificate.

SUMMARY: The application fee for structural pest control category certificate is increased from \$225 to \$300 for applicants who have failed the examination and reapply to take it. Pursuant to the provisions of Section 482.1561, F.S. the rule change establishes requirements for the limited certification for urban landscape commercial fertilizer application and a procedure for obtaining the limited certificate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency. Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 482.051, 482.1562, F.S.

LAW IMPLEMENTED: 482.141, 482.1562, F.S.

IF REQUESTED WITHIN 21 DAYS IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Michael J. Page, Chief of the Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee Florida, 32301-2961; (850) 921-4177.

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-14.117; Application for Examination for Pest Control Operator's Certificate and Special Identification Card and Limited Certificate for Urban Landscape Commercial Fertilizer Application

(1) through (15) No changes

(16) An applicant who fails to pass one or more category or special identification card examinations may reapply for examination upon filing the prescribed application accompanied by a fee of ~~\$225~~ \$300 for each category examination or \$200 for each special identification card examination.

(17) No changes.

(18) Applicants for limited certification for urban landscape commercial fertilizer must submit a copy of the training certificate issued pursuant to Section 403.9338 F.S., with their completed Application for Limited Certification for Urban Landscape Commercial Fertilizer, DACS 13677,

(Rev. 08/09) and the application fee of \$25.00. The renewal fee for the limited certificate for urban landscape commercial fertilizer is \$25.00.

(19) All forms and filing specifications contained in this rule are hereby adopted and incorporated by reference and may be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida, 32301-2961; (850) 921-4177; or by visiting the department's website at <http://www.doacs.state.fl.us/onestop/aes/pestcont.html>.

Specific Authority 482.051, 482.1562, FS. Law Implemented 482.131, 482.132, 482.141, 482.151, 482.152, 482.156, 482.1562 FS. 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, 7-11-07, 2-24-09,
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NAME OF PERSON ORIGINATING PROPOSED RULE:

Mr. Anderson Rackley, Director of Agricultural Environmental Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

Mr. Charles H. Bronson, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: (TBD)

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 28,
2009.