

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DIVISION OF AGRICULTURAL ENVIRONMENTAL SERVICES

NOTICE OF CHANGE

RULE NO.:	RULE TITLE:
5E-9	Licensed Pesticide Applicators and Dealers
5E-9.026	Procedures for Pesticide Applicator Certification, Licensure, and License Renewal.

Notice is hereby given that the following changes have been made to the proposed rule published in the Florida Administrative Weekly, Pages 2494 - 2500, Volume 30, No. 25 on June 18, 2004, to reflect comments received from the Joint Administrative Procedures Committee, regarding the renewal of licenses after expiration. When adopted the proposed rule will read as follows:

5E-9.026 Procedures for Pesticide Applicator Certification, Licensure, and License Renewal.

(1) Certification. All individuals seeking pesticide applicator licensure shall demonstrate competency in the responsible use of pesticides by successfully completing the appropriate pesticide applicator examination(s) specified in this chapter for each classification of licensure. All examinations shall be written in the English language and administered by the department or its authorized agents as written, closed-book examinations. Examinations will not be translated into other languages orally, in writing, or in any other form. ~~However, the department shall accommodate individuals seeking licensure in other languages through examination translation or other comparable examination procedures. Licensure based on examination in a language other than English will limit the use of pesticides requiring licensure to those products which bear or provide complete labels and labeling in the language in which examined.~~ Examinations shall be undertaken and completed by the examinee without assistance from other individuals. The department shall set passing scores and determine if the certification standards have been met for the desired licensure. Examination scores shall be valid for 12 months after the date of examination.

(2) Licensure. If the certification standards have been met, the department shall provide the appropriate license application, form DACS-13312, Rev. 05/04, DACS-130312 for a private applicator license, form DACS-13313, Rev. 05/04, DACS-130313 for a public applicator license, or form DACS-13310, Rev. 05/04, DACS-130310 for a commercial applicator license, to the individual. The following

materials must be received by the department before a pesticide applicator license shall be issued: documentation of certification earned within the previous 12 months; completed application; completed designation of registered agent, form INHSE-30, Eff. 6/92, if applicable; copy of pilot's license ~~proof of insurance or surety bond~~ (aerial category licensure only); proof of age, if requested; and appropriate fee. License applicants may designate one or more authorized purchasing agents by submitting a completed Authorized Purchasing Agent Designation, DACS-13352, Rev. 05/04, along with the license application. Materials shall be submitted to the Pesticide Certification Office, P.O. Box 6710, Tallahassee, Florida 32314-6710. Pesticide applicator licenses shall expire at the end of the month no more than four (4) years from issue date.

(3) License Renewal. It shall be the responsibility of each licensee to renew the license at the time of expiration. Requests for renewal of pesticide applicator licenses shall be made by submitting to the department the following materials: a signed request for license renewal; documentation of recertification; completed designation of registered agent, form INHSE-30, Eff. 6/92, if applicable; ~~proof of insurance or surety bond (aerial category licensure only)~~; proof of age, if requested; and payment of the appropriate license fee. Materials shall be submitted to the Pesticide Certification Office at the above address and must be received no later than the license expiration date for the license to be renewed with continual licensure. Renewed pesticide applicator licenses shall expire no more than four (4) years from the previous expiration date.

(4) Forms. The following forms are hereby incorporated by reference. Forms DACS-13312, Rev. 05/04~~DACS-130312~~, DACS-13310, Rev. 05/04~~DACS-130310~~, and DACS-13313, Rev. 05/04~~DACS-130313~~, and DACS-13352, Rev. 05/04 may be downloaded from the web site <http://www.safepesticideuse.com> or obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Office, 3125 Conner Boulevard, Building 8 (L29) MD-1 (L33), Tallahassee, Florida 32399-1650, telephone (850) 488-3314 ~~488-6838~~. Form INHSE-30, Eff. 6/92, may be obtained from the Florida Department of State, Division of Corporations, 409 E. Gaines Street, Tallahassee, Florida 32399, telephone (850) 487-6051.

(a) Application for Private Applicator License (DACS-13312, Rev. 05/04~~DACS-130312, Rev. 2/98~~), Florida Department of Agriculture and Consumer Services.

(b) Application for Public Applicator License (DACS-13313, Rev. 05/04~~DACS-130313, Rev. 2/98~~),
Florida Department of Agriculture and Consumer Services.

(c) Application for Commercial Applicator License (DACS-13310, Rev. 05/04~~DACS-130310, Rev. 2/98~~),
Florida Department of Agriculture and Consumer Services.

(d) Authorized Purchasing Agent Designation (DACS-13352), Rev. 05/04, Florida Department of Agriculture and Consumer Services.

(e) ~~(d)~~ Designation of Registered Agent and Registered Office for a Nonresident Restricted-Use Pesticides Licensee (INHSE-30, Eff. 6/92), Florida Department of State.
Specific Authority 487.0435, 487.046, 570.07(23), FS. Law Implemented 487.044, 487.046, 487.049, FS. History--New 6-9-94, Amended 7-2-95, 9-24-98,_____.