

5E-9.017 Definitions.

(1) "Agricultural commodity" means any plant, or part thereof, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by man or animals.

(2) "Fumigant" means any pesticide product that is a vapor or gas, or forms a vapor or gas on application, and whose method of pesticidal action is through the gaseous state.

(3) "Licensed health care professional" means a physician, nurse, emergency medical technician, or other qualified individual, licensed or certified by a State to provide medical treatment.

(4) "Medical emergency" means a situation that requires immediate medical treatment or first aid to treat possible symptoms of pesticide poisoning or exposure.

(5) "Opened container" means any pesticide product container which has had the manufacturer's seal broken, regardless of whether the container has been resealed.

(6) "Primary category" means a license classification that is valid by itself, without the need for additional licensure in any other category.

(7) "Secondary category" means a license classification that is valid only in combination with an applicable primary category.

(8) "Use" means performance of the following pesticide related activities: application, mixing, loading, or transferring pesticide product from one container to another; handling opened containers; cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that contain pesticide formulations or mixtures; or disposing of pesticides or pesticide containers. The term does not include handling pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions or, in the absence of such instructions, have been triple rinsed or equivalent. The term also does not include handling pesticide mixing, loading, or application equipment that has been emptied or cleaned in a manner comparable to labeling instructions for cleaning the containers of pesticides which have been contained within or otherwise in direct contact with that equipment.

Specific Authority 487.051, 570.07(23) FS. Law Implemented 487.0435, 487.051 FS. History--New 6-9-94, Amended 7-2-95.

5E-9.019 Pesticide Applicator Licenses.

(1) License types. Each individual licensed as a pesticide applicator must be licensed in one of three license types and must be licensed in a minimum of one primary category. License types are:

(a) Private applicator license. A private applicator license is valid for use by private applicators as defined in Section 487.021(52), F.S.

(b) Public applicator license. A public applicator license is valid for use by public applicators as defined in Section 487.021(55), F.S.

(c) Commercial applicator license. A commercial applicator license is valid for use by commercial applicators as defined in Section 487.021(16), F.S. A commercial applicator shall not be required to have a private applicator license to function as a private applicator; nor shall a commercial applicator be required to have a public applicator license to function as a public applicator; provided the commercial categories in which the applicator is licensed are the appropriate categories for the applications to be made.

(2) Restrictions on license types.

(a) Aerial application. No license type is valid for aerial application of pesticides unless the license includes the aerial category. The aerial category is available only to commercial and public applicators.

(b) Fumigation. With the exception of the regulatory pest control category, the public and commercial license types are not valid for fumigation using restricted use fumigants unless the license includes the appropriate fumigation category.

(c) Demonstration and Research. The private license type is not valid for demonstration or research use of restricted use pesticides. The public and commercial license types are not valid for demonstration or research use of restricted use pesticides unless the license includes the demonstration and research category.

Specific Authority 487.0435, 570.07(23) FS. Law Implemented 487.0435 FS. History—New 6-9-94, Amended 7-2-95, 2-21-02, 9-16-04.

5E-9.021 Categories of Licensure for Pesticide Applicators.

(1) Description of primary categories.

(a) Category 1A1 – Agricultural Row Crop Pest Control. This category is applicable to individuals using or supervising the use of restricted use pesticides, or other pesticides requiring licensure, in the production of agricultural crops other than tree crops, including but not limited to tobacco; peanuts; cotton; feed grains; soybeans and forage crops; vegetables; small fruits not produced on trees; grasslands; or non-crop agricultural lands; but not including the use or supervision of restricted use fumigant pesticides. This category is valid for licensure of commercial and public applicators.

(b) Category 1A2 – Agricultural Tree Crop Pest Control. This category is applicable to individuals using or supervising the use of restricted use pesticides, or other pesticides requiring licensure, in the production of agricultural tree crops, including but not limited to citrus; pecans; or other fruits, nuts, or agricultural crops grown on trees; but not including the use or supervision of restricted use fumigant pesticides. This category is valid for licensure of commercial and public applicators.

(c) Category 1B – Agricultural Animal Pest Control. This category is applicable to individuals using or supervising the use of restricted use pesticides, or other pesticides requiring licensure, in the production of agricultural animals, including but not limited to beef or dairy cattle, swine, sheep, horses, goats, poultry, fish, or other agricultural livestock. Use in the production of agricultural animals means applications of pesticides on or to the animals themselves or in or on places where such animals are kept or confined or places such animals are likely to be kept or confined. Doctors of Veterinary Medicine engaged in the business of applying pesticides for hire, publicly holding themselves out as pesticide applicators, or engaged in large-scale use of pesticides, must be licensed in this category. This category is valid for licensure of commercial and public applicators.

(d) Category 1C – Private Applicator Agricultural Pest Control. This category includes individuals using or supervising the use of restricted use pesticides, or other pesticides requiring licensure, in the production of agricultural plants, including but not limited to tobacco, peanuts, cotton, feed grains, soybeans, forage, vegetables, fruits, nuts, forests, ornamental trees, shrubs, flowers, or turf; or in the fumigation of soil, agricultural structures, or raw agricultural commodities; or in the production of agricultural animals, including but not limited to beef or dairy cattle, swine, sheep, horses, goats, poultry, fish, or other agricultural livestock, and including places on or in which animals are kept or confined or places where such animals are likely to be kept or confined; and on grasslands and non-crop agricultural lands. This category is valid solely for licensure of private applicators.

(e) Category 1D – Soil and Greenhouse Fumigation. This category is applicable to

individuals using or supervising the use of any restricted use fumigant pesticide injected or applied to field soils; to the soils of seed or transplant beds or containerized plants; to potting soil; to lawns, turf, and ornamentals not associated with structures; or within enclosed agricultural structures such as greenhouses where agricultural production is in progress. This category is valid for licensure of public and commercial applicators.

(f) Category 1E – Raw Agricultural Commodity Fumigation. This category is applicable to individuals using or supervising the use of any restricted use fumigant pesticide injected or otherwise applied to any post-harvest raw agricultural commodity within any storage facility, during processing or manufacturing procedures, or applied to or within a storage facility prior to the facility receiving a raw agricultural commodity for storage or after a raw agricultural commodity has been removed from such a facility. Storage facilities include but are not limited to corn cribs, grain elevators, tobacco barns, produce trailers, farm vehicles used to store agricultural commodities, processing plant bins or storage rooms for raw commodities, and any other enclosed structure used to contain a harvested raw agricultural commodity. This category is valid for licensure of public and commercial applicators.

(g) Category 2 – Forest Pest Control. This category is applicable to individuals using or supervising the use of restricted use pesticides, or other pesticides requiring licensure, in forests, forest nurseries, and forest seed orchards; but not including the use or supervision of restricted use fumigant pesticides. This category is valid for licensure of public and commercial applicators.

(h) Category 3 – Ornamental and Turf Pest Control. This category is applicable to individuals using or supervising the use of restricted use pesticides, or other pesticides requiring licensure, in the production of ornamental trees, shrubs, flowers, or turf; or for the maintenance of any such ornamental plants or turf grasses growing in or on cemeteries, golf courses, parks, or athletic fields; but not including the use or supervision of restricted use fumigant pesticides. This category is valid for licensure of commercial and public applicators.

(i) Category 4 – Seed Treatment. This category is applicable to individuals using or supervising the use of restricted use pesticides, or other pesticides designated by the Department as requiring licensure, on seeds; but not including the use or supervision of restricted use fumigant pesticides. This category is valid for licensure of commercial and public applicators.

(j) Category 5A – Aquatic Pest Control. This category is applicable to individuals using or supervising the use of any restricted use pesticide, or other pesticide requiring licensure, used or applied to any standing or running water, including banks or shorelines, excluding infusion of chlorine gas as described in Category 7B and applicators engaged in public health related activities as defined in Chapter 388, Florida Statutes, and the rules thereunder. This category is valid for licensure of commercial and public applicators.

(k) Category 5B – Organotin Antifouling Paint Pest Control. This category is applicable to individuals using or supervising the use of organotin antifouling paints classified as restricted use pesticides, or other pesticides requiring licensure, to control or prevent the growth of aquatic or marine organisms on submerged portions of aquatic or marine objects, structures or vessels. This category is valid for licensure of commercial and public applicators.

(l) Category 6 – Right-of-Way Pest Control. This category is applicable to individuals using or supervising the use of restricted use pesticides, or other pesticides requiring licensure, in the maintenance of right-of-way areas associated with public roads, electric power lines, pipelines, railroads, and other similar areas; but not including the use or supervision of restricted use fumigant pesticides. This category is valid for licensure of commercial and public applicators.

(m) Category 7A – Wood Treatment. This category is applicable to individuals using or supervising the use of restricted use wood preservative pesticides, or other pesticides requiring licensure, in wood treatment facilities in the production of treated wood products; but not including the use or supervision of restricted use fumigant pesticides. This category is valid for licensure of commercial and public applicators.

(n) Category 7B – Chlorine Gas Infusion. This category is applicable to individuals using or supervising the use of chlorine gas to treat water in residential swimming pools by means of a portable system. Persons licensed in this category are authorized to use only those chlorine gas products specifically registered by the U.S. Environmental Protection Agency and the department with label directions for application to residential swimming pools. Individuals who conduct or supervise water treatment through the use of machinery permanently attached to all pools are exempt from this licensure requirement. This category is valid for licensure of commercial applicators.

(o) Category 7C – Sewer Root Control. This category is applicable to individuals using or supervising the use of restricted use pesticides to control or prevent the growth of roots in sewer lines or pipes. This category is valid for licensure of commercial and public applicators.

(p) Category 9 – Regulatory Pest Control. This category is applicable to state, federal, and other government employees who use or supervise the use of restricted use pesticides, or other pesticides requiring licensure, in the control of regulated pests, including the use or supervision of restricted use fumigant pesticides. This category is valid for licensure of public applicators.

(q) Category 11 – Aerial Application. This category is applicable to individuals who apply any pesticide from an aircraft. This category is valid for licensure of public and commercial applicators for treatment sites that may legally (according to product label direction) be treated by aerial application under Chapter 487, F.S.

(r) Category 20 – Regulatory Inspection and Sampling. This category is applicable to government employees who collect regulatory samples of restricted use pesticides or conduct inspections involving the handling of opened containers of restricted use pesticides to determine compliance with applicable laws and regulations. Licensure in this category shall not be required of government inspection or sampling employees licensed in another public or commercial pesticide applicator category in accordance with this chapter, Chapter 388 or 482, F.S. This category is valid solely for licensure of public applicators. Licensure in this category does not authorize the application of restricted use pesticides.

(s) Category 21 – Natural Areas Weed Management. This category is applicable to individuals who use or supervise the use of restricted use herbicides to control unwanted vegetation to protect natural communities of conservation and recreation lands and natural areas. This category is valid for licensure of commercial and public applicators. Applicators acting under the authority of another license category prior to this category being established may continue activities under the alternate category until license renewal or expiration.

(2) Description of secondary category.

Category 10 – Demonstration and Research. This category is applicable to the following: 1) individuals who publicly demonstrate or supervise the demonstration of the proper use and application techniques of restricted use pesticides or other pesticides requiring licensure. Such individuals may include but are not limited to extension specialists, county agents, commercial industry representatives, and other individuals who demonstrate pesticide handling procedures used in public programs; and 2) individuals who conduct or supervise field research that utilizes restricted use pesticides or other pesticides requiring licensure.

Licensure in this category authorizes pesticide demonstration and research only in accordance with other categories in which licensure is held. This category is valid for licensure of commercial and public applicators.

(3) Requirements and restrictions on category licensure.

(a) Private applicators who apply restricted use pesticides by ground application must be licensed in Category 1C – Private Applicator Agricultural Pest Control. No other primary or secondary categories are available for licensure of private applicators.

(b) Public and commercial applicators must be licensed in a minimum of one primary category, exclusive of Category 1C – Private Applicator Agricultural Pest Control. The latter category is not valid for licensure of public or commercial applicators.

(c) Public and commercial applicators must be licensed in all primary and secondary categories applicable to the types of pesticide applications to be made. Exceptions: 1) Category 1C does not apply to public or commercial applicators; 2) Individuals licensed in Category 9 need not be licensed in Category 1D or 1E; 3) Aerial applicators who make no ground applications and no pest management decisions, but only apply pesticides aerially at the request of another party who has made the necessary determinations regarding pest management and pesticide application, do not need to be licensed in any category except Category 11. Aerial applicators who make determinations regarding pest management and pesticide application must be licensed in the aerial category and all other categories applicable to the treatment site(s).

Specific Authority 487.0435, 570.07(23) FS. Law Implemented 487.0435 FS. History–New 6-9-94, Amended 7-2-95, 9-24-98, 6-27-99, 2-21-02, 9-16-04.

5E-9.023 General Certification Standards for All Licensed Applicators.

All individuals seeking licensure must demonstrate knowledge of the safe use and handling of pesticide products. Possession of such knowledge shall include having a working knowledge of the following areas of competency as they apply to the specific categories in which licensure is sought:

(1) Pesticide labels and labeling comprehension, including:

(a) The general format and terminology of pesticide labels and labeling;

(b) The understanding of instructions, warnings, terms, symbols, and other information appearing on pesticide labels;

(c) Classification of the product (unclassified or restricted use); and

(d) Necessity for use consistent with the label.

(2) Pesticide safety, including:

(a) Pesticide toxicity, hazards to man, and common exposure routes;

(b) Common types and causes of pesticide accidents;

(c) Precautions necessary to guard against injury to applicators and other individuals in or near treated areas;

(d) Need for and use of protective clothing and personal protective equipment;

(e) Signs and symptoms of pesticide poisoning;

(f) First aid and other procedures to be followed in case of a pesticide accident; and

(g) Proper identification, storage, transport, handling, mixing and loading procedures and disposal methods for pesticides and empty pesticide containers, including management actions and precautions to be taken to prevent children or other individuals from having access to pesticides or pesticide containers.

(3) Environmental – The potential environmental consequences of the use and misuse of pesticides as may be influenced by factors such as:

(a) Weather and climate;

- (b) Terrain, geological features, and soil type;
- (c) Presence of fish or other wildlife, and other non-target organisms; and
- (d) Wetlands, other bodies of water, and soil drainage patterns.
- (4) Pest features, including:
 - (a) Common features of pest organisms and characteristics of damage needed for pest recognition;
 - (b) Identifying features of relevant pests; and
 - (c) Pest development and biology relevant to problem identification or pest control.
- (5) Pesticide factors, including:
 - (a) Types of pesticides;
 - (b) Types of formulations;
 - (c) Compatibility, synergism, persistence, and animal or plant toxicity of pesticide formulations;
 - (d) Hazards and residues associated with use;
 - (e) Factors which may influence effectiveness or lead to pesticide resistance; and
 - (f) Pesticide mixing, loading, dilution, or other preparation procedures.
- (6) Pesticide application equipment, including:
 - (a) Types and components of equipment and advantages and limitations of each; and
 - (b) Equipment use, maintenance and calibration.
- (7) Application methodology, including:
 - (a) Methods used to apply various formulations of pesticides, and the knowledge of which formulation and application method should be used in a given situation;
 - (b) Characteristics that distinguish between proper and improper pesticide applications; and
 - (c) Methods of minimizing or preventing pesticide drift into the environment.
- (8) Laws and regulations – applicable state and federal laws and regulations.

Specific Authority 487.0435, 570.07(23) FS. Law Implemented 487.0435, 487.044 FS. History–New 6-9-94.

5E-9.024 Category Certification Standards.

- (1) Primary categories.
 - (a) Category 1A1 – Agricultural Row Crop Pest Control. Applicators seeking licensure in this category shall demonstrate practical knowledge of agricultural row crops and associated pests, the chemical control measures that pertain to the prevention or control of such pests, the equipment or methodologies used to safely and effectively implement such measures, the potential for pesticide residues on such crops, preharvest application intervals, post-application reentry interval restrictions, phytotoxicity, pesticide-related soil or water problems, potential for pesticide-induced environmental contamination, and non-target injury and community problems that may result from the improper use of pesticides in agricultural row crop production. Applicators in this category shall also demonstrate practical knowledge of the procedures and equipment used to apply pesticides with irrigation water through an irrigation system. This knowledge shall include equipment calibration; proper design, use, and maintenance of anti-siphon devices and check valves to prevent pesticide contamination of water supplies; proper interpretation of pesticide label or labeling requirements for products registered for chemigation; and appropriate use of personal protective equipment associated with this type of application.
 - (b) Category 1A2 – Agricultural Tree Crop Pest Control. Applicators seeking licensure in this category shall demonstrate practical knowledge of the agricultural tree crops and associated pests, the chemical control measures that pertain to the prevention or control of

such pests, the equipment or methodologies required to safely and effectively implement such measures, the potential for pesticide residues on food crops, preharvest application intervals, post-application reentry interval restrictions, phytotoxicity, pesticide-related soil or water problems, potential for pesticide-induced environmental contamination, and non-target injury or community problems that may result from the improper use of pesticides in agricultural tree crop production. Applicators in this category shall also demonstrate practical knowledge of the procedures and equipment used to apply pesticides with irrigation water through an irrigation system. This knowledge shall include equipment calibration; proper design, use, and maintenance of anti-siphon devices and check valves to prevent pesticide contamination of water supplies; proper interpretation of pesticide label or labeling requirements for products registered for chemigation; and appropriate use of personal protective equipment associated with this type of application.

(c) Category 1B – Agricultural Animal Pest Control. Applicators seeking licensure in this category shall demonstrate practical knowledge of agricultural animal production and associated pests, the chemical control measures that pertain to the prevention or control of such pests, the equipment or methodologies required to safely and effectively implement such measures, the specific toxicity of such pesticides and associated residue potential, and the potential for animal injury associated with pesticide formulation, application techniques, animal age or stress, and extent of treatment.

(d) Category 1C – Private Applicator Agricultural Pest Control. Applicators seeking licensure in this category shall demonstrate practical knowledge of agricultural plant and animal production, associated pests, the chemical control measures that pertain to the prevention or control of such pests, the equipment or methodologies required to safely and effectively implement such measures, preharvest application intervals, post-application reentry interval restrictions, specific pesticide toxicity, and the potential for: pesticide residues in agricultural commodities; phytotoxicity; pesticide-related soil or water impacts; pesticide-induced environmental contamination; non-target injury; off-site problems that may result from the improper use of pesticides in agricultural production; and animal injury associated with pesticide formulation, application techniques, animal age or stress, or extent of treatment. Applicators in this category shall also demonstrate practical knowledge of the procedures and equipment used to apply pesticides with irrigation water through an irrigation system. This knowledge shall include equipment calibration; proper design, use, and maintenance of anti-siphon devices and check valves to prevent pesticide contamination of water supplies; proper interpretation of pesticide label or labeling requirements for products registered for chemigation; and appropriate use of personal protective equipment associated with this type of application. Applicators seeking licensure in this category shall also demonstrate practical knowledge of soil-inhabiting pests and pests of stored raw agricultural commodities, the fumigant pesticides that may be used to control such pests, and the equipment or methodologies required to safely implement fumigation measures to control such pests. This knowledge shall include the basics of fumigant pesticide toxicology; application methodologies for applying soil and commodity fumigants; techniques and procedures for monitoring the concentration of a fumigant pesticide in soil, storage facilities, air or water; use and maintenance of personal protective equipment and clothing; and specific safety procedures for handling pressurized chemicals and for avoiding non-target exposure to a fumigant pesticide.

(e) Category 1D – Soil and Greenhouse Fumigation. Applicators seeking licensure in this category shall demonstrate practical knowledge of soil-inhabiting pests and pests of agricultural crops grown inside structures such as greenhouses, the fumigant pesticides that may be used to control such pests, and the equipment or methodologies required to safely

implement fumigation measures to control such pests. This knowledge shall include the basics of fumigant pesticide toxicology; application methodologies for applying soil and structural fumigants; techniques and procedures for monitoring the concentration of a fumigant pesticide in soil, air or water; use and maintenance of personal protective equipment and clothing; and specific safety procedures for handling pressurized chemicals and for avoiding non-target exposure to a fumigant pesticide.

(f) Category 1E – Raw Agricultural Commodity Fumigation. Applicants seeking licensure in this category shall demonstrate practical knowledge of pests of stored raw agricultural commodities, the fumigant pesticides that may be used to control such pests, and the equipment or methodologies required to safely implement fumigation measures to control such pests. This knowledge shall include the basics of fumigant pesticide toxicology; application methodology for fumigating stored agricultural commodities; techniques and procedures for monitoring the concentration of a fumigant pesticide in a storage facility or in air or water; use and maintenance of personal protective equipment and clothing; and specific safety procedures for handling pressurized chemicals and for avoiding non-target exposure to a fumigant pesticide.

(g) Category 2 – Forest Pest Control. Applicators seeking licensure in this category shall demonstrate practical knowledge of the types of forests, forest nurseries and seed orchards in Florida and associated pests, forest population dynamics, relative biotic agents and vulnerability to pesticides, the chemical control measures that pertain to the prevention or control of forest pests, and the equipment or methodologies required to safely and effectively implement such measures while avoiding adverse effects on wildlife, ground or surface water, and recreational areas visited by the general public.

(h) Category 3 – Ornamental and Turf Pest Control. Applicators seeking licensure in this category shall demonstrate practical knowledge and recognition of pesticide problems associated with the production and maintenance of ornamental plants and turfgrasses, the chemical control measures that pertain to the prevention or control of such pests and the equipment or methodologies required to safely and effectively implement such measures. This knowledge shall encompass an understanding of potential non-target injury due to drift and implementation of application methods to minimize exposure to humans, pets, or other domestic animals.

(i) Category 4 – Seed Treatment. Applicators seeking licensure in this category shall demonstrate practical knowledge of the types of seeds that require chemical protection against pests, the chemical control measures that pertain to the control of such pests, and the equipment or methodologies required to safely and effectively implement such pest control measures. This knowledge shall include understanding the significance of coloring treated seed; the effects of carriers and surface active agents which influence pesticide binding and may affect germination; the hazards associated with handling, sorting and mixing, packaging and labeling treated seed; misuse of treated seed, such as introduction of treated seed into food and feed channels; and proper disposal of unused treated seeds.

(j) Category 5A – Aquatic Pest Control. Applicators seeking licensure in this category shall demonstrate practical knowledge of pest organisms in aquatic environments, the chemical control measures that pertain to the control of such pests, and the equipment or methodologies required to safely and effectively implement such pest control measures. This knowledge shall include understanding calculation of volume of water to be treated; application rates; pH; potential secondary effects; various water use situations and the potential of downstream effects; potential pesticide effects on non-target organisms; and the principles of limited area application.

(k) Category 5B – Organotin Antifouling Paint Pest Control. Applicators seeking licensure

in this category shall demonstrate practical knowledge of the principles and practices of using antifouling paints, including toxicity to humans and non-target organisms via common exposure routes; proper cleaning, disposal and containment techniques; climatic factors that may influence environmental hazards; common types and features of target and non-target aquatic/marine organisms; proper handling, mixing and application procedures; and, the laws and regulations governing pesticides and antifouling paints.

(l) Category 6 – Right-of-Way Pest Control. Applicators seeking licensure in this category shall demonstrate practical knowledge of pests that occur in right-of-way areas accompanying roads, electric lines and substations, pipelines, railroads, and similar situations and measures for control. This knowledge shall include types of herbicides used on right-of-way areas; chemical control measures that pertain to the prevention and control of right-of-way pests; equipment or methodologies required to safely and effectively implement such measures; pesticide runoff and drift prevention; recognition of target organisms; actions necessary to prevent excessive foliage destruction; and potential effects on non-target and off-site organisms.

(m) Category 7A – Wood Treatment. Applicators seeking licensure in this category shall demonstrate practical knowledge in using wood preservatives, air monitoring procedures, personal protective clothing and equipment, hygiene, related health and safety measures, emergency procedures, and practices necessary to prevent environmental contamination.

(n) Category 7B – Chlorine Gas Infusion. Applicators seeking licensure in this category shall demonstrate practical knowledge of the safe handling and application of liquefied chlorine gas for treatment of swimming pools, hot tubs and spas. This will include a knowledge of the toxicology of liquefied chlorine gas, the dispersion properties and other characteristics of gaseous chemicals, equipment types, calibration procedures, application techniques, air and water monitoring procedures, use and maintenance of personal protective equipment and clothing, and factors that may lead to a hazardous condition, including handling of pressurized chemicals and direct or continuous exposure to chlorine gas.

(o) Category 7C – Sewer Root Control. Applicators seeking licensure in this category shall demonstrate practical knowledge of the safe handling and proper application of sewer root control chemicals, including practical knowledge of root growth and biology; equipment types and calibration procedures; proper pesticide handling, mixing and application procedures; proper use and maintenance of personal protective equipment; toxicity of root control pesticides to humans and non-target organisms via common exposure routes; proper cleaning, disposal and containment techniques; effects of root control pesticides on ground water, sewage treatment plants, septic tanks, holding tanks, lift stations, and other sewage treating, conveying, or handling equipment; environmental effects; factors that may lead to a hazardous condition; and the laws and regulations governing pesticide use.

(p) Category 9 – Regulatory Pest Control. Applicators seeking licensure in this category shall demonstrate practical knowledge of regulated pests, applicable laws relating to quarantine and other regulatory measures, environmental impact of pesticides used in suppression and eradication programs, and factors that may influence the introduction, spread, or population dynamics of regulated pests. Such knowledge shall extend beyond that relevant to Florida situations because of the necessity to assist periodically throughout the U.S. with regulated pests. Applicators shall also demonstrate practical knowledge of soil-inhabiting pests and pests of agricultural crops grown inside structures such as greenhouses, the fumigant pesticides that may be used to control such pests, and the equipment or methodologies required to safely implement fumigation measures to control such pests. This knowledge shall include the basics of fumigant pesticide toxicology;

application methodologies for applying soil and space fumigants; techniques and procedures for monitoring the concentration of a fumigant pesticide in soil, air or water; use and maintenance of personal protective equipment and clothing; and specific safety procedures for handling pressurized chemicals and for avoiding non-target exposure to a fumigant pesticide. Applicants seeking licensure in this category shall demonstrate practical knowledge of pests of stored raw agricultural commodities, the fumigant pesticides that may be used to control such pests, and the equipment or methodologies required to safely implement fumigation measures to control such pests. This knowledge shall include the basics of fumigant pesticide toxicology and application methodology for fumigating stored agricultural commodities.

(q) Category 11 – Aerial Application. Applicators seeking licensure in this category shall demonstrate a practical knowledge of the principles and practices of aerial pest control and the safe application of pesticides by aerial delivery means.

(r) Category 20 – Regulatory Inspection and Sampling. There are no specific certification standards for this category. The general certification standards listed in Rule 5E-9.023, F.A.C., are all that is required for licensees in this category.

(s) Category 21 – Natural Areas Weed Management. Applicators seeking licensure in this category shall demonstrate practical knowledge of pest plants that invade natural communities in Florida, the chemical control measures that pertain to such pests, and the equipment or methodologies required to safely implement such pest control measures. This knowledge shall include special techniques and proper herbicide selection to effectively control target species and minimize adverse effects to the natural community. Knowledge of herbicide characteristics including toxicity to wildlife, behavior in plants, behavior in soil, persistence, and environmental fate, as well as methods for herbicide dilution and rate calculations will be demonstrated.

(2) Secondary category.

Category 10 – Demonstration and Research. Applicators seeking licensure in this category shall demonstrate practical knowledge of pesticide compatibility, pH, and solubility; proper pesticide use and handling; equipment types and calibration conversions for small plots; principles of integrated pest management; pesticide resistance; safety procedures for pesticide transport, storage, and disposal; interpretation of Material Safety Data Sheets for pesticide products; environmental effects of pesticide use; laws and regulations governing pesticide use and experimental use; biotechnology as it relates to pest control; and liability associated with pesticide use.

Specific Authority 487.0435, 570.07(23) FS. Law Implemented 487.0435, 487.044 FS. History–New 6-9-94, Amended 7-2-95, 9-24-98, 6-27-99, 2-21-02.

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. 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, for a private applicator license, form DACS-13313, Rev. 05/04, for a public applicator license, or form DACS-13310, Rev. 05/04, 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 (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 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-13310, Rev. 05/04, DACS-13313, Rev. 05/04, 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), Tallahassee, Florida 32399-1650, telephone (850) 488-3314. Form INHSE-30, Eff. 6/92, may be obtained from the Florida Department of State, Division of Corporations, 409 East Gaines Street, Tallahassee, Florida 32399, telephone (850) 487-6051.

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

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

(c) Application for Commercial Applicator License (DACS-13310, Rev. 05/04), 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) 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, 9-16-04.

5E-9.027 Procedures for Pesticide Dealer Licensure and License Renewal.

(1) Licensure. Requests for pesticide dealer licensure shall be made by submitting a completed pesticide dealer license application, form DACS-13337, Rev. 05/04, and the appropriate license fee to the Pesticide Certification Office, P. O. Box 6710, Tallahassee, Florida 32314-6710. Pesticide dealer licenses shall expire at the end of the month one (1) year from issue date.

(2) License Renewal. It shall be the responsibility of the pesticide dealer to renew the license at the time of expiration. Request for renewal of a pesticide dealer license shall be made by submitting a signed request for renewal and the appropriate license fee to the Pesticide Certification Office at the above address. Renewed pesticide dealer licenses shall expire one (1) year from the previous expiration date. Licenses that have not been renewed by the expiration date cannot be renewed.

(3) Forms. The following form is hereby incorporated by reference: Application for Pesticide Dealer License (DACs-13337, Rev. 05/04). This form 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), Tallahassee, Florida 32399-1650, telephone (850) 488-3314.

Specific Authority 487.048(1), 570.07(23) FS. Law Implemented 487.048(1) FS. History–New 6-9-94, Amended 7-2-95, 9-24-98, 2-21-02, 9-16-04.

5E-9.028 License Fees.

(1) Private and public pesticide applicator license. The fee for either initial licensure or license renewal is \$100, with no additional fee for added categories.

(2) Commercial pesticide applicator license. The fee for either initial licensure or license renewal is \$250, with no additional fee for added categories.

(3) Pesticide dealer license. The fee for either initial licensure or license renewal is \$250.

(4) Fee submission. All fees shall be submitted to the Pesticide Certification Office, P. O. Box 6710, Tallahassee, Florida 32314-6710. Checks or money orders shall be payable to the Florida Department of Agriculture and Consumer Services.

Specific Authority 487.045, 487.048(1), 570.07(23) FS. Law Implemented 487.045, 487.048(1) FS. History–New 6-9-94, Amended 7-2-95, 9-24-98, 2-21-02, 7-9-08.

5E-9.029 Procedures for Pesticide Applicator Recertification.

(1) Reexamination shall be required for pesticide applicator recertification in the following circumstances:

(a) The license was revoked or suspended for 6 months or longer; or

(b) It is deemed by the department that new information makes reexamination essential for continued certification. In the latter case, the department shall give adequate notice to all applicators affected.

(2) In all other circumstances, applicators shall have two options for recertification as follows:

(a) Reexamination. An applicator may become recertified by successfully retaking the examination(s) required for initial certification as specified in this chapter.

(b) Continuing Education Units (CEUs). An applicator may become recertified by accumulating a specified number of Continuing Education Units (CEUs) during the four (4) year licensure period. CEUs shall be earned by attending department approved professional training meetings and seminars or by completing and receiving passing scores on department approved educational modules.

(3) Effective January 1, 2005, all applicators recertifying by means of CEUs must earn 4 CEUs approved for the general standards of pesticide use and safety (core material) plus the following number of CEUs approved for each specific license category to be renewed:

PRIMARY CATEGORIES	CEU'S REQUIRED
Category 1A1 – Agricultural Row Crop Pest Control	8
Category 1A2 – Agricultural Tree Crop Pest Control	8
Category 1B – Agricultural Animal Pest Control	4
Category 1C – Private Applicator Agricultural Pest Control	4
Category 1D – Soil and Greenhouse Fumigation	4
Category 1E – Raw Agricultural Commodity Fumigation	4
Category 2 – Forest Pest Control	8
Category 3 – Ornamental and Turf Pest Control	12
Category 4 – Seed Treatment	4
Category 5A – Aquatic Pest Control	16
Category 5B – Organotin Antifouling Paint Pest Control	4
Category 6 – Right-of-Way Pest Control	8
Category 7A – Wood Treatment	4
Category 7B – Chlorine Gas Infusion	4
Category 7C – Sewer Root Control	4
Category 9 – Regulatory Pest Control	12
Category 11 – Aerial Application	16
Category 20 – Regulatory Inspection and Sampling	4
Category 21 – Natural Areas Weed Management	16
SECONDARY CATEGORIES	CEU'S REQUIRED
Category 10 – Demonstration and Research	4

(4) Applicators seeking recertification in more than one category by means of CEUs must accumulate the sum of the number of CEUs required for each category in which they hold licensure and seek recertification. As of January 1, 2005, this number of CEUs is in addition to the general standard (core) CEUs required.

(5) Until January 1, 2005, for each primary category renewed by means of CEUs, a minimum of 2 CEUs earned must consist of CEUs approved for general core competency standards and a minimum of half the CEUs earned must consist of CEUs approved specifically for that category. The remainder of the total number of CEUs earned must consist of CEUs approved either for general core competency standards or for that specific category.

(6) For each secondary category renewed by means of CEUs, all CEUs earned must consist of CEUs approved for that specific category.

(7) Categories added to a license after the initial license issue date may be renewed with fewer CEUs per category than stated in subsection (3) above if the category was added less than two (2) full years before the license expiration date. In this case, the applicator may become recertified in the added category by earning half the required number of CEUs

shown for that category above, provided the CEUs were earned between issuance of licensure in the additional category and one year after license expiration. If a licensee adds a category during the last 12 months of licensure, recertification is not required to renew licensure in that category.

(8) CEU program approval. The department shall approve professional meetings or seminars for granting of continuing education units (CEUs) in pesticide use and safety through execution of an agreement between the department and the education provider and provided the seminar or meeting and sponsor comply with the criteria set forth below. The agreement shall clearly stipulate the education provider's responsibilities and the department's authority to withhold credits for any seminar or meeting determined not to be in compliance with the approved criteria or the points specified in the agreement. Criteria for allocation of CEUs and procedures for program approval and granting of CEUs to individual licenses are specified below.

(9) CEU program criteria. The following specifications shall be met before a meeting or seminar shall be considered for approval:

(a) The education provider shall submit a written or electronic request for approval to grant CEUs on form DACS-13326, Rev. 05/04, or in an electronic format prescribed by the department. The completed form or electronic request must be received by the department no later than two (2) weeks prior to the date of the program, unless a different time frame is approved by the department on a case by case basis, based on circumstances beyond the control of the education provider.

(b) A program agenda indicating the start time, duration, instructor or speaker, and description of each program segment for which CEU approval is requested shall be submitted with form DACS-13326, Rev. 05/04. The description of each program segment must be sufficient for verification of content and applicability.

(c) The subject matter presented for CEU credit shall relate directly to the certification standards outlined in this chapter for the appropriate licensure types and categories.

(d) Documentation attesting that the instructors or speakers possess the expertise required to impart the specified information to the attendees shall be submitted with form DACS-13326, Rev. 05/04.

(e) The education provider or an authorized designee shall distribute an official record of attendance, form DACS-13325, Rev. 05/04, provided by the department, to each licensee in attendance and shall monitor attendance to ensure these records are accurate. The education provider or an authorized designee shall sign the record of attendance forms to verify each licensee's attendance.

(f) Authorized department agents may attend any approved CEU session unannounced and without paying any associated registration fee. If such agents desire to earn CEU credit while monitoring approved training programs, they must follow the same protocol as other attendees for registering and paying fees, if applicable.

(10) Allocation of CEUs. Each 50 minutes of applicable lecture time will be allocated 1 CEU. Program segments consisting of only field trips, demonstrations, and other non-lecture instruction will be assigned 0.5 CEUs per 50 minutes of applicable non-lecture instruction. Each applicable program segment or combination of segments will be designated as an approved CEU session and assigned a distinct number of CEUs, with a minimum of 0.5 CEUs assigned per approved CEU session. Program segments of less than 30 minutes duration will not be assigned individual CEUs, but will be combined with other approved segments into approved CEU sessions with assigned CEUs. A program segment shall be approved for CEU credit only in the areas of licensure to which it is directly germane.

(11) Procedure for determining CEUs.

(a) The department shall review CEU program requests and determine the number of CEUs approved.

(b) A written or electronic copy of the program request shall be returned to the education provider with notification of CEU credit approval.

(12) Procedure for granting CEUs to licensees.

(a) A licensee may earn CEUs for license renewal only after the license has been issued and no later than one year after license expiration.

(b) The licensee must complete and sign the appropriate section of the record of attendance form prescribed and furnished by the department for each CEU session for which credit is sought.

(c) The education provider or an authorized designee shall complete and sign the appropriate section of the record of attendance form to verify each licensee's attendance.

(d) Completed and signed record of attendance forms must be received by the department no later than one year after license expiration.

(e) Record of attendance forms will be reviewed by the department and incomplete forms returned to the licensee. Corrected forms may be resubmitted to the department for reevaluation provided resubmissions are received by the department no later than one year after license expiration.

(f) Licensees must attend an entire approved CEU session to be granted full CEU credit and will be granted CEUs for only those sessions or portions of a session attended. CEUs shall be granted only in multiples of 0.5 credits.

(g) The licensee is responsible for ensuring that the CEUs required for license renewal are earned according to guidelines specified in this chapter. The licensee is also responsible for maintaining the completed record of attendance forms (form DACS-13325, Rev. 05/04) and submitting these records to the department at the time of request for license renewal.

(13) Forms. The following forms are hereby incorporated by reference. These forms 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), Tallahassee, Florida 32399-1650, telephone (850) 488-3314.

(a) Request for Granting Continuing Education Units (CEUs) for Renewal of Pesticide Applicator Licenses and Certificates (DACs-13326, Rev. 05/04).

(b) Record of Attendance for Continuing Education Units (CEUs) (DACs-13325, Rev. 05/04).

Specific Authority 487.049, 570.07(23) FS. Law Implemented 487.049 FS. History—New 6-9-94, Amended 7-2-95, 9-24-98, 6-27-99, 2-21-02, 9-16-04.

5E-9.032 Pesticide Applicator Records.

(1) Licensed pesticide applicators shall maintain records relating to the application of all restricted use pesticides. Such records shall consist of the following information for each application:

(a) Name and license number of the licensee responsible for the pesticide application;

(b) Name of the person who actually applied the pesticide;

(c) Date, start time, and end time of treatment;

(d) Location of treatment site, which may be recorded using any of the following designations:

1. County, range, township, and section;

2. An identification system utilizing maps and/or written descriptions which accurately identify the location and distinguish the treatment site from other sites;

3. The identification system established by the United States Department of Agriculture found at 7 CFR § 110 (1994) which utilizes maps and a numbering system to identify field locations;

4. The legal property description; or

5. Global Positioning System (GPS) coordinates or longitude/latitude points that delineate the treated area.

(e) Crop, commodity, or type of target site treated;

(f) Total size (in acres, square feet, acre-feet, number of animals treated, or other appropriate units) of the treatment site;

(g) Brand name and EPA registration number of the pesticide product applied;

(h) Total amount (pounds, gallons, etc.) of formulated product applied;

(i) Application method; and

(j) Name of the person requesting or authorizing the application, or a statement of authority to make such application, if the application was made to property not owned or leased by the licensee.

(2) The required information shall be recorded no later than two (2) working days after the date of application and may be incorporated into other business transaction records.

(3) All records shall be retained for a period of two (2) years and shall be maintained in a manner that is accessible by authorized representatives.

(4) It is not necessary to record repetitive information that applies to all records, provided the required information is recorded one time and there is a written record indicating that this information applies to other designated applications recorded.

(5) A licensed applicator who has made or supervised for another person an application of restricted use pesticide shall, within 30 days of pesticide application, provide a copy of the application records required under this rule for each application of any pesticide requiring licensure to the person for whom the pesticide application was made. This section shall not apply to private applicators if the person for whom the application was made is the licensee's full time employer and the licensee maintains the original application records at the place of employment. However, if the private applicator terminates employment with said employer, a copy of the records for all applications of restricted use pesticides made or supervised by the private applicator within the scope of employment for said employer in the previous two (2) years shall be provided to the employer within 30 days of termination.

(6) Upon written request by an authorized department representative, a licensed applicator shall make available the records required to be maintained under this rule and shall permit the authorized representative to copy or photograph any of the records. The original records shall be maintained by the licensed applicator.

(7) When the attending licensed health care professional, or an individual acting under the direction of the attending licensed health care professional, determines that any record of the application of a pesticide for which records are required under this rule is necessary to provide medical treatment or first aid to an individual who may have been exposed to the pesticide for which the record is maintained, the licensed applicator required to maintain the record shall promptly provide the record information and any available label information. If it is determined by the attending licensed health care professional, or an individual acting under the direction of the attending licensed health care professional, to be a medical emergency, the record information of the pesticide relating to the medical emergency shall be provided immediately.

(8) The attending licensed health care professional, or an individual acting under the direction of the attending licensed health care professional, may utilize and release the record or record information obtained under subsection (7) of this rule when necessary to

provide medical treatment or first aid to an individual who may have been exposed to the pesticide for which the record is maintained.

(9) The attending licensed health care professional may release the record or record information to appropriate federal or state agencies that deal with pesticide use or any health issue related to the use of pesticides when necessary to prevent further injury or illness.

(10) A licensed health care professional may release the record or record information to submit pesticide poisoning incident reports to appropriate federal or state agencies.

(11) To meet the requirements of Section 487.081(6)(b), F.S., individuals must keep the same record information required in subsection (1). Such records must be maintained in a manner accessible by department representatives and shall be maintained indefinitely by the property owner or leaseholder.

Specific Authority 487.160, 570.07(23) FS. Law Implemented 487.160 FS. History—New 6-9-94, Amended 7-2-95, 9-24-98, 9-16-04.

5E-9.033 Pesticide Dealer Records.

(1) Licensed pesticide dealers shall maintain the following records relating to the sale or exchange of restricted use pesticides:

- (a) Date of sale;
- (b) Name and license number of licensed applicator making or authorizing the purchase;
- (c) Name of authorized purchase agent purchasing the pesticide product, if applicable;
- (d) Brand name and EPA registration number of each product sold or exchanged;
- (e) Size and number of containers of each product sold or exchanged; and
- (f) Date and location where delivery was made if the pesticide dealer delivered the product to a location not on the premises of the dealership.

(2) The information listed in paragraphs (1)(a) through (1)(e) shall be recorded immediately at the time of sale or exchange and may be incorporated into billing invoices or other business transaction records.

(3) The information required in paragraph (1)(f) shall be recorded immediately after product delivery, when applicable, and may be incorporated into billing invoices or other business transaction records.

(4) All required information shall be retained for a period of two (2) years from the date of sale or exchange in a manner that is accessible by authorized department representatives.

(5) Upon written request by an authorized department representative, a licensed dealer shall make available the records required to be maintained under this rule and shall permit the authorized representative to copy or photograph any of the records. The original records shall be maintained by the licensed dealer.

Specific Authority 487.048(2), 570.07(23) FS. Law Implemented 487.048(2) FS. History—New 6-9-94, Amended 7-2-95, 3-21-02.

5E-9.034 Direct Supervision.

(1) Licensed applicators are responsible for the pesticide use activities and actions of individuals under their direct supervision and shall be in a location from which they can physically arrive on site before or during pesticide use, if and when their presence is needed. The licensed applicator must be immediately available for verbal communication with persons under his or her immediate supervision to provide direction and instruction during all times pesticides are being used.

(2) The following instruction and training shall be provided by the licensed applicator to

each unlicensed individual prior to such individual engaging in the use of any pesticide for which pesticide applicator licensure is required:

- (a) The safety procedures and precautions to be followed in using the product;
- (b) The need to properly wear and maintain any personal protective equipment required;
- (c) The common signs and symptoms of pesticide poisoning;
- (d) The dangers of eating, drinking or smoking while using pesticides;
- (e) The need to wash clothing and bathe after working with pesticides;
- (f) The name and location of a nearby medical facility that can provide emergency treatment for pesticide poisoning; and
- (g) How and under what circumstances to contact the licensed applicator under whose direct supervision the unlicensed individual is working.

(3) Subsection 5E-9.034(2), F.A.C., does not apply to pesticide use subject to regulation under the worker protection standard referenced in Rule 5E-2.039, F.A.C.

Specific Authority 487.1585(1), 570.07(23) FS. Law Implemented 487.1585(1) FS. History—New 6-9-94, Amended 7-2-95, 2-21-02.

5E-9.036 Pesticide Aircraft Registration, Liability Insurance/Surety Bond, Security, Inspection, Storage, Recordkeeping, Area-of-Application Information, Transactions, and Forms.

(1) Registration. Each aircraft used for aerial application of any pesticide must be annually registered with the department with proof of insurance or surety bond. Application for registration shall be on form DACS-13354, Rev. 05/04, provided by the department. The completed registration form and proof of insurance or surety bond shall be submitted to the Pesticide Certification Office, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399-1650. The registration form shall be submitted to the department on or before June 30 of each year and shall not exceed the time period covered by proof of insurance or surety bond.

(2) Proof of Insurance or Surety Bond. Proof of insurance or surety bond shall consist of:

(a) The deposit with the department of a surety bond in favor of any person or persons who may suffer damage or injury as the result of the aerial application of any pesticide made from the registered aircraft. Said surety bond shall be a minimum of \$100,000 and shall be executed by a corporate surety company authorized to conduct business in Florida. The department shall evaluate and determine the adequacy of all such bonds before acceptance. When the aircraft is removed from aerial application operation, a said bond shall be returned after a period of six months following date of notice of withdrawal, provided such withdrawal shall not release said surety from liability existing hereunder during the time of aerial application at the time of the effective date of such withdrawal; or

(b) The filing of a certificate of insurance, verifying insurance in an amount of not less than \$100,000 property damage and \$300,000 bodily injury coverage per occurrence, insuring the registered aircraft against liability for any damage, loss, or injury, including chemical drift or trespass, suffered by any person or persons, resulting from the aerial application of any pesticide made from the registered aircraft. A deductible clause of \$1,000 shall be acceptable. A current certificate of insurance must be filed with each initial and subsequent renewal registration. Current certificates of insurance or copies thereof shall be maintained in the aircraft registrant's possession from the date the aircraft is registered, until two (2) years after the certificate expires or two (2) years after the registration is withdrawn.

(3) Inspection. Authorized department representatives may inspect aircraft required to

be registered with the department as to equipment relating to aerial pesticide application under this rule during normal working hours without prior notification or as determined necessary when an emergency has been declared as contained in subsection (8) herein.

(4) Security. Each aircraft used for aerial application of any pesticide shall be secured when not in use. Secured storage shall include the aircraft being: within a locked building, locked in place securely, mechanically disabled from flying, or any other reasonable method which prevents or deters theft or unauthorized use.

(5) Storage. All pesticides on the premises owned or controlled by any aerial applicator shall be stored and maintained in a manner such that they are not accessible to unauthorized persons. Secured storage shall include: fences with a minimum 6 feet height; door locks; valve locks; electronic security systems; disabling of mobile storage units; blocking of access, ingress or egress; or any other reasonable method which prevents or deters theft or unauthorized use. Buildings used to store pesticides must be of rigid construction so unauthorized entry can not be achieved without the use of heavy machinery or equipment. If a portable building is used for storage of pesticides, the building must be secured in place so it can not be towed or otherwise removed by unauthorized persons.

(6) Transactions. Any person who buys, sells, rents, leases, or transfers ownership of an aircraft that is registered or required to be registered with the department pursuant to subsection (1) above shall report the transaction to the department within 24 hours of the transaction using one of the following forms: (1) Report of Aircraft Transaction, Form DACS-13355, Rev. 05/04; (2) Ownership Declaration and Sales and Use Tax Report on Aircraft, Form DR-42A, Rev. 03/02; or (3) Aircraft Bill of Sale, Form AC 8050-2 (09/92).

(7) Recordkeeping. Aerial applicators shall maintain records relating to the application of each pesticide during a declared emergency. Such records generated during the emergency shall be retained for a period of two (2) years and shall be maintained in a manner that is accessible by the department upon request. Records shall consist of the following information for each application:

(a) Name, FDACS pesticide applicator license number, and FAA license number of the licensee responsible for the pesticide application;

(b) Date, start time and end time of treatment;

(c) Location of treatment site, which may be recorded using any of the following designations:

1. County, range, township and section;

2. An identification system utilizing maps and/or written descriptions which accurately identify the location and distinguish the treatment site from other sites;

3. The legal property description; or

4. Global Positioning Satellite (GPS) coordinates or Longitude/Latitude points which delineate the treated area;

(d) Name of the person requesting or authorizing the application;

(e) Aircraft manufacturer, make and model;

(f) FAA aircraft registration number; and

(g) Originating airport/airstrip.

(8) Area-of-Application Information. The information listed in paragraphs (7)(a) through (7)(g) is required only when a declaration of an Executive Order pursuant to the emergency powers granted to the Governor or the Commissioner of Agriculture is made, declaring an emergency in the State of Florida. Such information shall be provided and filed with the department in a manner determined by the department.

(9) Forms. The following forms are hereby incorporated by reference. These forms 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), Tallahassee, Florida 32399-1650, telephone (850) 488-3314.

(a) Application for Aircraft Registration (DACS-13354), Rev. 05/04, Florida Department of Agriculture and Consumer Services.

(b) Ownership Declaration and Sales and Use Tax Report on Aircraft (DR-42A), Rev. 03/02, Florida Department of Revenue.

(c) Aircraft Bill of Sale, Form AC 8050-2, (09/92), U.S. Department of Transportation, Federal Aviation Administration.

(d) Report of Aircraft Transaction (DACS-13355), Rev. 05/04, Florida Department of Agriculture and Consumer Services.

(10) Upon written request by an authorized department representative, an aircraft registrant who has aerial insurance as the selected form of financial responsibility shall make available the certificates of insurance or copies thereof required to be maintained under this rule for periods of time when aerial applications are made and shall permit the authorized representative to copy or photograph the documents. The original documents shall be maintained by the aircraft registrant.

Specific Authority 487.046, 570.07(23) FS., Chapter 2001-360, Laws of Florida. Law Implemented 487.046 FS., Chapter 2001-360, Laws of Florida. History—New 6-9-94, Amended 7-2-95, 9-24-98, 6-9-02, 9-16-04.