

**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.*