

NOTICE OF PROPOSED RULE

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DIVISION OF AGRICULTURAL ENVIRONMENTAL SERVICES

RULE NO.: RULE TITLE:

5E-2.040 Pesticide Active Ingredients Subject to Supplemental Registration Fee

PURPOSE AND EFFECT: The Department's purpose in applying these guidelines is to achieve compliance with Chapter 2009-20 and 2009-66, Laws of Florida, amending Chapter 487, F.S.

SUMMARY: The proposed rule is required to implement the provisions of Section 487.041(1)(d), a new section of the Florida Pesticide Law which establishes a supplemental registration fee for each registered brand of pesticide that contains an active ingredient listed in 40 Code of Federal Regulations Part 180.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS (SERC): The Department has determined that this rule will have an impact on small business. A SERC has been prepared by the Department. 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: 487.041(1)(d)1., 570.074(23), F.S.

LAW IMPLEMENTED: 487.041(1)(d), F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Dr. Dennis Howard, Chief, Bureau of Pesticides, 3125 Conner Boulevard, Building 6, Tallahassee, Florida, 32399; (850) 487-0532.

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-2.040 – Pesticide Active Ingredients Subject to Supplemental Registration Fee

(1) The pesticide active ingredients published in the list of “Registered Pesticide Active Ingredients for which a Brand of Pesticide is Subject to a Supplemental Fee” (07/17/09) are subject to the supplemental registration fee established in Section 487.041(1)(d), F.S.

(2) All forms, filing specifications, and materials 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 Pesticides, 3125 Conner Boulevard, Building 6, Tallahassee, Florida, 32399-1650; (850) 487-0532 or by visiting the department’s website at:

http://www.flaes.org/pdf/Supplemental_Registration_Fee_Ingredient_List.pdf.

Rulemaking Authority: 487.041(1)(d)1., 570.07(23), F.S.; Law Implemented: 487.041(1)(d), F.S.; History: New.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mr. Anderson H. Rackley, Director, Agricultural Environmental Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

Charles H. Bronson, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 10/29/09

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: 07/17/09.