

## ● FLORIDA PESTICIDE LAW

*STATUTORY CITATION:* Fla. Stat. §§ 487.011–487.175

*RELATED REGULATIONS:* Fla. Admin. Code R. 5E-9

*GENERAL SUMMARY:* The Florida Pesticide Law regulates the use and application of pesticides in the state, for agricultural and other purposes. The Act requires, in part, the annual registration of pesticide products, and the licensing and certification of pesticide applicators and compliance with standards governing their operations.

### *SPECIFIC TERMS AND CONDITIONS*

**LICENSING** — With few exceptions, it is unlawful for anyone to apply restricted-use pesticides in agricultural operations without a certified applicator's license issued by the state, unless the person is doing so under the direct supervision of a licensee. Certification for each classification of license requires successful completion of an examination evidencing adequate knowledge of the proper use and application of pesticides in each classification for which application for a license is made. Among other subjects, applicants must demonstrate competence as to (1) the proper use of equipment, (2) the environmental hazards involved in applying pesticides, (3) calculating the concentration of pesticides to be used under particular circumstances, (4) protective clothing and respiratory equipment required while handling and applying pesticides, (5) precautions in the disposal of containers, as well as the cleaning and decontamination of equipment, (6) applicable state and federal pesticide laws and regulations, and (7) general safety precautions. Licenses must be renewed and applicators re-certified every 4 years.

**GROUNDS FOR DISCIPLINARY ACTION** — A warning letter, license probation, license suspension or revocation, or an administrative fine may result from any of the following acts, among others, committed by a licensee: (1) applying pesticides in a manner inconsistent with the product label, (2) operating faulty or unsafe equipment, (3) operating in a faulty, careless or negligent manner so as to cause damage to property or persons, (4) applying any pesticide that is harmful to human beings to fields where individuals are working, (5) failing to disclose to the farm operator, at the time pesticides are applied to a crop, full information regarding potentially harmful effects on humans or animals and safe minimum re-entry times for workers or animals, (6) refusing or neglecting to keep and maintain records or make reports as required, (7) failing to report any known damage to property, or illness or injury to persons, caused by the application of pesticides, and (8) failing to maintain a current liability insurance policy or surety bond.

### *SPECIAL NOTES OR ADVISORIES*

**EFFECT OF FEDERAL RULE CHANGES ON STATE APPLICATOR CERTIFICATION REQUIREMENTS** — Effective March 6, 2017, amendments to the U.S. Environmental Protection Agency's regulations governing the certification of pesticide applicators (*see entry, U.S. — Pesticides & Agricultural Chemicals — General Application Standards*) may require state pesticide regulatory agencies to strengthen their requirements for the certification of commercial and private applicators of restricted-use pesticides. In general, existing state rules approved by EPA before the effective date of the new federal regulations will remain in effect until March 6, 2020. If, however, the state agency submits an amended certification plan before that date, the existing state rules will remain in effect until EPA has reviewed and responded to the plan, but generally no longer than two more years.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Bureau of Licensing and Enforcement, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, Tallahassee, Florida 32399 (850-617-7997)*. This agency is in charge of examining and licensing pesticide applicators in the state, and monitoring their compliance with the Department's rules implementing the provisions of the law outlined above. Any worker or other person who suffers injury or property damage stemming from application of a pesticide may file a written statement with the enforcement agency. The Department must investigate the alleged injury or damage and notify all concerned parties of its findings. If investigation reveals a violation of the law, the Department will determine an appropriate administrative action, which may include a warning letter, license probation, license suspension or revocation, or an administrative fine. Violators are also subject to criminal prosecution.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None*.