

Title 7
AGRICULTURE AND ANIMALS
Part XXIX. Horticulture Commission

Chapter 1. Horticulture

§113. Examination Schedule and Administration

A. ...

B. An applicant shall be disqualified from completing an examination or taking any other examination administered under these rules and regulations if the applicant is caught or found to be cheating on an examination. Cheating consists of:

1. Giving or receiving unauthorized assistance to answer examination questions;
2. Bringing unauthorized materials into the exam room or using unauthorized materials to answer examination questions;
3. Using answers from another examinee;
4. Copying questions or answers to examination questions to take from the examination room;
5. Removing an examination booklet, answer sheet, or scratch paper from the examination room; or
6. Any other action which may undermine the integrity of the examination process.

C. Any applicant caught or found to be cheating shall not be allowed to finish the examination and shall receive a score of zero. If an applicant finished the examination prior to the discovery of the cheating the applicant's examination shall be voided and the applicant shall receive a score of zero.

D. Any applicant who is not allowed under this Subsection C to finish an examination, or whose examination is voided, or who is disqualified from taking the examination or any other examination administered under these rules and regulations may appeal the action to the commission.

1. The appeal shall be in writing, state the grounds for the appeal, and filed with the director within 30 days after the date of the examination.
2. The appeal will be placed on the agenda for the next meeting of the commission and the applicant will be notified of the date and place of the next meeting.
3. The appeal will be decided by the commission. The decision of the commission shall be the final administrative decision in the matter.
4. An appeal from the decision of the commission shall be in accordance with the Administrative Procedure Act.
5. The action or administrative decision shall become final if no appeal is timely filed at any step in the proceedings or if the action is upheld on appeal.

E. During the pendency of any appeal or during the time limit for the filing of any appeal the applicant shall not be allowed to take any examination administered under these rules and regulations.

F. If the action or administrative decision is not appealed or is upheld on appeal then the applicant shall not be allowed to take or re-take the examination or any other examination administered under these rules and regulations for a period of three years from the examination date without the approval of the commission given at a meeting of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3807 and R.S. 3:3801.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:185 (April 1982), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 14:8 (January 1988), LR 18:250 (March 1992), LR 20:640 (June 1994), LR 31:1053 (May 2005), LR 35:1227 (July 2009), LR 37:3465 (December 2011), LR 40:759 (April 2014), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Horticulture Commission, LR 44:2127 (December 2018).

§115. General Requirements for All Licenses or Permittee

A. – C. ...

~~D. All sod sold or installed in quantities of two pallets or 100 square yards or more shall be accompanied by a completed form indicating the type and class of sod. The form shall be specified by the commission and the consumer shall be provided with the completed form at the time of sale or installation. Copies of completed forms shall be kept on file and made available to commission representatives upon request for a period of one year after sale or installation.~~

~~1. The types of sod shall be indicated as: Centipede, St. Augustine, Bermuda, Zoysia, Carpet, Mixed, or Other. Bermuda, mixed, or other types shall be specified as to varieties.~~

~~2. The classes of sod shall be indicated as follows.~~

~~a. Class A (Superior Quality) shall be free from bahia grass, torpedo grass, and Florida betony. Shall not contain more than 5 plants per 100 square feet of any other grasses, broadleaf weeds, or sedges.~~

~~b. Class B (Good Quality) shall be free from bahia grass, torpedo grass, and Florida betony. Shall not contain more than 25 plants per 100 square feet of any other grasses, broadleaf weeds, or sedges.~~

~~c. Class C (Field Sod) may include all sod not covered in the Classes A or B above. It may consist of sod lifted from pastures which may have been grown primarily for forages.~~

~~3. All sod must be free of insects and diseases and viable at the time of sale or installation.~~

~~4. It is the responsibility of the licensee or permittee to provide the proper classification of sod. Any discrepancies will be investigated by a representative of the commission. Any improper classification shall be considered a violation of this Part.~~

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801 and R.S. 3:3808.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:185 (April 1982), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 20:640 (June 1994), LR 21:548 (June 1995), LR 31:1053 (May 2005), LR 34:2547 (December 2008), LR 35:1227 (July 2009).

§117. Professional and Occupational Standards and Requirements

A. – B.3.c. ...

~~B.4 All designs and specifications utilizing sod shall specify the type and class of sod to be used as provided in §115.D of this Part and accompanied by the sod classification form specified by the commission.~~

B.5. – D.3. ...

~~D.4. All sod installed, sold, or recommended shall be classified as provided in §115.D of this Part.~~

D.5. – F.5. ...

~~F.6. All sod sold shall be classified as provided in §115.D of this Part.~~

G. – I.6.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801 and R.S. 3:3808.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:185 (April 1982), amended LR 9:410 (June 1983), LR 11:317 (April 1985), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 14:8 (January 1988), LR 20:640 (June 1994), LR 27:1832 (November 2001), LR 31:1054 (May 2005), LR 32:78 (January 2006), LR 32:1010 (June 2006), LR 33:1854 (September 2007), LR 53:1228 (July 2009), LR 36:2520 (November 2010), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Horticulture Commission, LR 42:1645 (October 2016).