

By Representative Wasserman Schultz

1 A bill to be entitled
2 An act relating to pest control; amending s.
3 482.051, F.S.; establishing rulemaking
4 standards for treating new construction
5 building sites; amending s. 482.071, F.S.;
6 authorizing a duplicate licensure document fee;
7 amending s. 482.111, F.S.; authorizing a
8 certified pest control operator to be a
9 certified applicator under ch. 487, F.S.;
10 amending s. 482.211, F.S.; exempting the pest
11 control treatment of seeds or raw agricultural
12 products; creating s. 553.785, F.S.; creating
13 the Florida Termite Advisory Council; amending
14 s. 482.155, F.S.; specifying persons for whom
15 limited certification categories are to be
16 established; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Subsections (2) and (5) of section 482.051,
21 Florida Statutes, are amended, and subsection (6) is added to
22 that section, to read:

23 482.051 Rules.--The department shall adopt rules to
24 carry out the intent and purpose of this chapter. Prior to
25 proposing the adoption of a rule, the department shall counsel
26 with members of the pest control industry concerning the
27 proposed rule. The department shall adopt rules for the
28 protection of the health, safety, and welfare of pest control
29 employees and the general public, in conformity with this
30 chapter and chapter 120, which require:

31

1 (2) That vehicles and trailers used in pest control be
2 ~~permanently~~ marked with the licensee's name that is registered
3 with the department.

4 (5)(a) That any pesticide used for preconstruction
5 soil treatments for the prevention of subterranean termites be
6 applied in the amount, concentration, and treatment area in
7 accordance with the label registered by the U.S. Environmental
8 Protection Agency, so that a continuous chemical barrier is
9 created between the structure and all of the vertical and
10 horizontal areas beneath the structure; that a copy of the
11 label of the registered pesticide being applied be carried in
12 a vehicle at the site where the pesticide is being applied;
13 and that the licensee must post a pretreatment tag on the
14 building permit board for each application before leaving the
15 site which sets forth: the name, address, and telephone
16 number of the licensee; the location of the treatment site;
17 the date of the application; the time the application was
18 begun and the time the application was completed; the trade
19 name of the chemical; the concentration of chemical used,
20 written as a percentage of active ingredient; the number of
21 gallons of finished spray applied; the square footage treated;
22 the type of construction; the license tag number of the
23 vehicle used for application; whether the treatment is
24 complete or incomplete and, if not complete, the areas
25 remaining to be treated; the signature of the applicator and
26 his pest control identification card number. A copy of this
27 tag must be retained by the licensee for a period of 3 years.

28 (b) The business licensee must establish a vertical
29 barrier at the exterior foundation walls in stem-wall
30 construction or exterior foundation edge of monolithic
31 construction after grading and other construction-related soil

1 disturbances have been completed. A record of this application
2 documenting the date, the trade name of the chemical used, and
3 the amount of chemical applied must be retained by the
4 licensee for a period of 3 years. A notice of this treatment
5 must be posted in a conspicuous location that is visible to
6 the homeowner. This notice must be at least 3 inches by 5
7 inches and must consist of a material that will last at least
8 3 years. Such notice must include the business name, address,
9 and date of treatment.

10 (6) That any pesticide used for postconstruction
11 subterranean termite treatments must be used in accordance
12 with the label directions.~~and that the licensee maintain for~~
13 ~~3 years the record of each preconstruction soil treatment,~~
14 ~~indicating the date of treatment, the location or address of~~
15 ~~the property treated, the total square footage of the~~
16 ~~structure treated, the type of pesticide applied, the~~
17 ~~concentration of each substance in the mixture applied, and~~
18 ~~the total amount of pesticide applied.~~

19 Section 2. Paragraph (f) of subsection (2) of section
20 482.071, Florida Statutes, is amended to read:

21 482.071 Licenses.--

22 (2)

23 (f) The department by rule may establish a procedure
24 for expediting the processing of an application for license
25 upon payment by the applicant of a special fee in an amount
26 sufficient to cover the cost of such expedited process, but
27 not exceeding \$50. The department may charge a \$10 fee for
28 issuance of duplicate licensure documents.

29 Section 3. Subsection (12) is added to section
30 482.111, Florida Statutes, to read:

31 482.111 Pest control operator's certificate.--

1 (12) A person certified under this chapter may perform
2 as a certified applicator in a corresponding category of
3 certification under chapter 487.

4 Section 4. Subsection (3) of section 482.211, Florida
5 Statutes, is amended to read:

6 482.211 Exemptions.--This chapter does not apply to:

7 (3) Pest control performed in greenhouses, in plant
8 nurseries, or on agricultural crops, trees, groves, or
9 orchards, or in treatment of seeds or raw agricultural
10 products.

11 Section 5. Section 553.785, Florida Statutes, is
12 created to read:

13 553.785 Florida Termite Advisory Council.--

14 (1) There is created within the department the Florida
15 Termite Advisory Council, consisting of seven members
16 appointed by the secretary of the Department of Community
17 Affairs. The members of the council shall represent the
18 following groups and professions:

19 (a) One member must be the secretary, or his designee,
20 who is an employee of the Department of Community Affairs;

21 (b) One member must be the Commissioner of
22 Agriculture, or his designee, who must be an employee of the
23 Department of Agriculture and Consumer Services;

24 (c) One member must be a building official from a
25 building department of a county or municipality, selected from
26 a list of persons submitted by the Building Officials
27 Association of Florida;

28 (d) Two members must be contractors licensed in the
29 state, selected from a list submitted by the Florida Home
30 Builders Association; and

31

1 (e) Two members must be pest control operators
2 licensed in the state, selected from a list submitted by the
3 Florida Pest Control Association.

4 (2) Within 30 days after October 1, 1997, the
5 Secretary of Community Affairs shall appoint the members of
6 the advisory council, of whom two members shall serve 4-year
7 terms, two members shall serve 3-year terms, and three members
8 shall serve 2-year terms. Thereafter, each appointee shall
9 serve a 4-year term. Members shall receive no salary, but
10 shall receive travel and expense reimbursement as provided in
11 s. 112.061.

12 (3) The council shall advise and recommend to the
13 commissioner and to the secretary, as appropriate, rules
14 regulating construction and pest control practices regarding
15 termite prevention which improve protection against structural
16 damage caused by termites. The council may also make
17 recommendations to the Legislature regarding statutory changes
18 needed to improve protection against damage to buildings from
19 termites.

20 (a) The rules forwarded by the council must clearly
21 delineate the responsibilities of:

22 1. Contractors to employ building practices known to
23 minimize termite infestation and to enhance the effectiveness
24 of pest control chemicals;

25 2. Pest control operators to apply preventive
26 chemicals using proper methods and strengths of chemicals; and

27 3. Homeowners to maintain current treatment and to
28 avoid disturbing treated soils or placing landscaping or
29 materials in such manner as to provide termites access to the
30 wooden elements of the structure.

31

1 (b) The council shall review requests for additions
2 to, deletions from, or modifications of building code
3 provisions relating to termite prevention and shall issue
4 advisory opinions and recommendations on such requests.

5 (c) The commissioner or the secretary, as appropriate,
6 shall initiate rulemaking on such requests by the council,
7 unless the commissioner or the secretary demonstrates that the
8 proposed rule:

9 1. Does not protect the public from any significant
10 and discernible harm or damages;

11 2. Unreasonably restricts competition or the
12 availability of professional services in the state or in a
13 significant part of the state; or

14 3. Unnecessarily increases the cost of pest control
15 services or of housing without a corresponding or equivalent
16 public benefit. However, there shall not be created a
17 presumption of the existence of any of the conditions cited in
18 this subsection if the rule or proposed rule is challenged.

19 Section 6. Subsections (1) and (4) of section 482.155,
20 Florida Statutes, are amended to read:

21 482.155 Limited certification for governmental
22 pesticide applicators or private applicators.--

23 (1)(a) The department shall establish limited
24 certification categories for the following persons who apply
25 pesticides as part of their regular job duties and
26 responsibilities:

27 1. Persons who apply pesticides only as governmental
28 employees.

29 2. Persons who apply pesticides only to their own
30 private property, and employees who apply pesticides to
31 private property owned by their employers. This includes

1 properties such as public buildings, schools, hospitals,
2 nursing homes, grocery stores, restaurants, apartments, and
3 common areas of condominiums and any other private properties
4 where the public may be exposed to pesticide applications.

5 (b) A person seeking limited certification under this
6 subsection must pass an examination given or approved by the
7 department. Each application for examination must be
8 accompanied by an examination fee set by the department, in an
9 amount of not more than \$150 or less than \$50; and a
10 recertification fee of \$25 every 4 years. Until rules setting
11 these fees are adopted by the department, the examination fee
12 is \$50. Application for recertification must be accompanied
13 by proof of having completed 4 classroom hours of acceptable
14 continuing education. The department shall provide the
15 appropriate reference material and make the examination
16 readily accessible and available to all applicants at least
17 quarterly or as necessary in each county.

18 (c) Certification obtained under this subsection does
19 not authorize operation of a pest control business.

20 (4) Certification is not required under this chapter
21 for ~~This section does not apply to~~ the application of
22 disinfectants, sanitizers, or ready-to-use pesticides sold
23 over the counter at retail in containers that are 1 gallon or
24 less in volume, or 2 pounds or less in dry weight, if the
25 application is done by a permanent employee only upon the
26 government or private property of his employer.

27 Section 7. This act shall take effect July 1, 1997.
28
29
30
31

524-140-97

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Establishes new rulemaking standards for pest control treatment of new construction building sites. Authorizes a fee to be charged for duplicate licenses. Authorizes a certified pest control operator to be a certified applicator of pesticides under ch. 487, F.S. Exempts the treatment of seeds or raw agricultural products from ch. 482, F.S. Creates the Termite Advisory Council within the Department of Agriculture and Consumer Services.