

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Miller offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Subsections (18) through (27) of section 482.021, Florida Statutes, are redesignated as subsections (19) through (28), respectively, and a new subsection (18) is added to that section, to read:

482.021 Definitions.--For the purposes of this chapter, and unless otherwise required by the context, the term:

(18) "New construction" means the erection of a new building or the construction of an addition to an existing building, which encloses a space and requires a building permit under applicable building codes.

Section 2. Subsection (6) is added to section 482.051, Florida Statutes, to read:

482.051 Rules.--The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the

1 provisions of this chapter. Prior to proposing the adoption
2 of a rule, the department shall counsel with members of the
3 pest control industry concerning the proposed rule. The
4 department shall adopt rules for the protection of the health,
5 safety, and welfare of pest control employees and the general
6 public which require:

7 (6) That the department may issue an immediate
8 stop-use or stop-work order for fumigation performed in
9 violation of fumigant label requirements or department rules,
10 or in a manner that presents an immediate serious danger to
11 the health, safety, or welfare of the public, including, but
12 not limited to, failure to use required personal protective
13 equipment, failure to use a required warning agent, failure to
14 post required warning signs, failure to secure a structure's
15 usual entrances as required, or using a fumigant in a manner
16 that will likely result in hazardous exposure to humans,
17 animals, or the environment.

18 Section 3. Section 482.0815, Florida Statutes, is
19 created to read:

20 482.0815 Permit to perform preventive termite
21 treatment services for new construction only.--

22 (1) A licensee must have a permit to perform
23 preventive termite treatments for new construction, except for
24 preventive termite treatments on additions to existing
25 structures for which the licensee has a current termite
26 treatment contract.

27 (2) A permit shall be automatically renewed upon
28 renewal of the license held by the licensee, unless the permit
29 has been suspended, revoked, or otherwise denied.

30 (3) A permit shall be probationary for 120 days after
31 a licensee is found to be in violation of s. 482.051(5) or a

1 rule relating to the application of specific amounts,
2 concentrations, and treatment areas, except for provisions
3 governing recordkeeping. A licensee whose permit is on
4 probationary status must provide advance notice to the
5 department of any preventive treatment planned for new
6 construction.

7 (4) A licensee's permit shall be suspended for a
8 30-day to 90-day period if:

9 (a) The licensee whose permit is on probationary
10 status violates s. 482.051(5) or a rule relating to the
11 application of specific amounts, concentrations, or treatment
12 areas, except for provisions governing recordkeeping, at three
13 or more sites on three or more separate dates;

14 (b) The licensee violates s. 482.051(3) or a rule with
15 respect to three contracts within 2 years and the violation is
16 failure to comply with contractual obligations to re-treat a
17 wood-destroying-organism infestation or to repair damage
18 caused by wood-destroying organisms when required by the
19 contract. If a licensee makes a good-faith offer to repair
20 damage covered by a valid contract, the licensee must be
21 considered to be in compliance with the contractual
22 obligation;

23 (c) The licensee violates subsection (9); or

24 (d) The licensee violates the recordkeeping
25 requirements of s. 482.051(5) three or more times within 2
26 years.

27 (5) A suspended permit may be reinstated after the
28 period of the suspension if the licensee's license is in good
29 standing.

30 (6) The permit of a licensee whose permit has been
31 suspended within the previous 3 years shall be revoked if the

1 licensee subsequently meets any of the conditions of
2 subsection (4).

3 (7) The department may not issue a permit or renew the
4 permit to perform preventive termite treatments if the
5 applicant or licensee or any of its directors, officers,
6 owners, or general partners are or were directors, officers,
7 owners, or general partners of a pest control business that
8 went out of business or sold the business within 5 years
9 immediately preceding the date of application or renewal and
10 failed to reimburse the prorated renewal fee of any customer's
11 remaining wood-destroying-organism contract periods or failed
12 to provide for another licensed pest control operator to
13 assume its existing wood-destroying-organism contract
14 responsibility.

15 (8) A licensee must conspicuously display its current
16 permit at all business locations, each of which must have a
17 separate permit.

18 (9) A licensee holding a permit must maintain accurate
19 records of all pesticides purchased, obtained, or available
20 for its use; the total amount of the area treated using soil
21 applied termiticides; and the total number of sites treated
22 using this and any other method of treatment. These records
23 must be made available to the department upon request. The
24 amount of pesticides purchased, obtained, or otherwise
25 available must at least equal the amount required by the
26 pesticide label to treat the area or number of sites treated.

27 (10) The department shall suspend the license of any
28 licensee who performs preventive termite treatments for new
29 construction while its permit is suspended or revoked.

30 (11) The department shall adopt rules necessary to
31 administer this section.

1 Section 4. Subsection (10) is added to section
2 482.091, Florida Statutes, to read:

3 482.091 Employee identification cards.--

4 (10) In addition to the training required by s.
5 482.091(3), each identification cardholder must receive 4
6 hours of classroom training in pesticide safety, integrated
7 pest management, and applicable federal and state laws and
8 rules within 6 months after issuance of the card or must have
9 received such training within 2 years before issuance of the
10 card. Each cardholder must receive at least 2 hours of
11 continuing training in pesticide safety, integrated pest
12 management, and applicable federal and state laws and rules by
13 the renewal date of the card. Certified operators who maintain
14 their certificates in good standing are exempt from this
15 subsection. The department shall adopt rules regarding
16 verification of such training.

17 Section 5. Paragraph (b) of subsection (2) of section
18 482.132, Florida Statutes, is amended to read:

19 482.132 Qualifications for examination and
20 certification.--

21 (2) Each applicant for examination for a pest control
22 operator's certificate must possess the minimum qualifications
23 specified in one of the following paragraphs:

24 (b) A degree with advanced training or a major in
25 entomology, botany, agronomy, or horticulture from a
26 recognized college or university, which training or major
27 included the completion of at least 20 semester hours or 30
28 quarter hours of college credits in those subjects, plus 1
29 year's employment as a service employee of a licensee that
30 performs pest control in the category or categories in which
31 the applicant seeks certification or the successful completion

1 of a 1-year entomology program at a public university in this
2 state which specializes in urban pest management and includes
3 practical pest management experience. If such advanced
4 training or major is in entomology, the applicant is qualified
5 for examination in all categories; but if such advanced
6 training or major is in botany, agronomy, or horticulture, the
7 applicant is qualified for examination only in the category of
8 lawn and ornamental pest control.

9 Section 6. Subsection (4) of section 482.161, Florida
10 Statutes, is amended to read:

11 482.161 Disciplinary grounds and actions;
12 reinstatement.--

13 (4) Any charge of a violation of this chapter or of
14 the rules adopted pursuant to this chapter by a licensee
15 affects only the license or permit of the business location
16 from which the violation is alleged to have occurred. Another
17 license or permit may not be issued to the same licensee, or
18 to any person who has an ownership interest in the suspended
19 or revoked business license of the licensee and who knew or
20 should have known of the violation that resulted in the
21 suspension or revocation, for a new business location in the
22 same county or any contiguous county for a period of 3 years
23 after the effective date of the suspension or revocation.

24 Section 7. Subsection (1) of section 482.242, Florida
25 Statutes, is amended to read:

26 482.242 Preemption.--

27 (1) This chapter is intended as comprehensive and
28 exclusive regulation of pest control in this state. The
29 provisions of this chapter preempt to the state all regulation
30 of the activities and operations of pest control services,
31 including the pesticides used pursuant to labeling and

1 registration approved under chapter 487. No local government
2 or political subdivision of the state may enact or enforce an
3 ordinance that regulates pest control, except that the
4 preemption in this section does not prohibit a local
5 government or political subdivision from enacting an ordinance
6 regarding any of the following:

7 (a) Local occupational licenses adopted pursuant to
8 chapter 205.

9 (b) Land development regulations adopted pursuant to
10 chapter 163 which include regulation of any aspect of
11 development, including a subdivision, building construction,
12 sign regulation or any other regulation concerning the
13 development of land, or landscaping or tree protection
14 ordinances which do not include pesticide application
15 restrictions.

16 (c) Regulations that:

17 1. Require, for multi-complex dwellings in excess of
18 10 units, annual termite inspections for termite activity or
19 damage, including Formosan termites, which must be performed
20 by a person licensed under this chapter.

21 2. Require pest control treatments of structures that
22 have termite activity or damage which must be performed by a
23 person licensed under this chapter.

24 3. Require property owners or other persons to obtain
25 inspections or pest control treatments performed by a person
26 licensed under this chapter.

27
28 An ordinance by a local government or political subdivision
29 which requires an annual inspection or pest control treatment
30 must conform to current law.

31 (d)~~(e)~~ Protection of wellhead protection areas and

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1 high recharge areas.

2 (e)~~(d)~~ Hazardous materials reporting as set forth in
3 part II of chapter 252, storage, and containment including as
4 relating to stormwater management.

5 (f)~~(e)~~ Hazardous material unlawful discharge and
6 disposal.

7 (g)~~(f)~~ Hazardous materials remediation.

8 Section 8. This act shall take effect July 1, 2001.

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11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 On page 1, lines 3-24,
14 remove from the title of the bill: all of said lines

15

16 and insert in lieu thereof:

17 amending s. 482.021, F.S.; defining the term
18 "new construction"; amending s. 482.051, F.S.;
19 providing for the issuance of stop-work orders
20 where fumigations are being performed in
21 certain situations; creating s. 482.0815, F.S.;
22 requiring licensees to hold a permit before
23 performing preventive termite treatments for
24 new construction; providing procedures for the
25 issuance of permits and providing penalties for
26 specified violations; providing for the
27 adoption of rules; amending s. 482.091, F.S.;
28 requiring certain cardholders to obtain
29 specified classroom training; amending s.
30 482.132, F.S.; providing alternative
31 educational requirements for pest control

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1 operator's certificate applicants; amending s.
 2 482.161, F.S.; limiting the application of
 3 sanctions for violations by licensees with
 4 multiple business locations; amending s.
 5 482.242, F.S.; providing additional exceptions
 6 to the state's preemption of pest control
 7 regulation; providing an effective date.

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