

By Senator Bronson

18-431A-01

1                                   A bill to be entitled

2           An act relating to pest control operators;

3           amending s. 482.021, F.S.; defining the term

4           "new construction"; amending s. 482.051, F.S.;

5           providing for the issuance of stop-work orders

6           where fumigations are being performed in

7           certain situations; creating s. 482.0815, F.S.;

8           requiring licensees to hold a permit before

9           performing preventive termite treatments for

10          new construction; providing procedures for the

11          issuance of permits and providing penalties for

12          specified violations; providing for the

13          adoption of rules; amending s. 482.091, F.S.;

14          requiring certain cardholders to obtain

15          specified classroom training; amending s.

16          482.132, F.S.; providing alternative

17          educational requirements for pest control

18          operator's certificate applicants; amending s.

19          482.161, F.S.; limiting the application of

20          sanctions for violations by licensees with

21          multiple business locations; repealing s.

22          482.211(11), F.S., which provides an exemption

23          from regulation for certain yard workers;

24          providing an effective date.

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26 Be It Enacted by the Legislature of the State of Florida:

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28           Section 1. Subsections (18) through (27) of section

29   482.021, Florida Statutes, are redesignated as subsections

30   (19) through (28), respectively, and a new subsection (18) is

31   added to that section, to read:

1           482.021 Definitions.--For the purposes of this  
2 chapter, and unless otherwise required by the context, the  
3 term:

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

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

10           482.051 Rules.--The department has authority to adopt  
11 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
12 provisions of this chapter. Prior to proposing the adoption  
13 of a rule, the department shall counsel with members of the  
14 pest control industry concerning the proposed rule. The  
15 department shall adopt rules for the protection of the health,  
16 safety, and welfare of pest control employees and the general  
17 public which require:

18           (6) That the department may issue an immediate  
19 stop-use or stop-work order for fumigation performed in  
20 violation of fumigant label requirements or department rules,  
21 or in a manner that presents an immediate serious danger to  
22 the health, safety, or welfare of the public, including, but  
23 not limited to, failure to use required personal protective  
24 equipment, failure to use a required warning agent, failure to  
25 post required warning signs, failure to secure a structure's  
26 usual entrances as required, or using a fumigant in a manner  
27 that will likely result in hazardous exposure to humans,  
28 animals, or the environment.

29           Section 3. Section 482.0815, Florida Statutes, is  
30 created to read:

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1           482.0815 Permit to perform preventive termite  
2 treatment services for new construction only.--

3           (1) A licensee must have a permit to perform  
4 preventive termite treatments for new construction, except for  
5 preventive termite treatments on additions to existing  
6 structures for which the licensee has a current termite  
7 treatment contract.

8           (2) A permit shall be automatically renewed upon  
9 renewal of the license held by the licensee, unless the  
10 written authorization has been suspended, revoked, or  
11 otherwise denied.

12           (3) A permit shall be probationary for 120 days after  
13 a licensee is found to be in violation of s. 482.051(5) or a  
14 rule relating to the application of specific amounts,  
15 concentrations, and treatment areas, except for provisions  
16 governing recordkeeping. A licensee whose permit is on  
17 probationary status must provide advance notice to the  
18 department of any preventive treatment planned for new  
19 construction.

20           (4) A licensee's permit shall be suspended for a  
21 30-day to 90-day period if:

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

27           (b) The licensee violates s. 482.051(3) or a rule with  
28 respect to three contracts within 2 years and the violation is  
29 failure to comply with contractual obligations to re-treat a  
30 wood-destroying-organism infestation or to repair damage  
31 caused by wood-destroying organisms when required by the

1 contract. If a licensee makes a good-faith offer to repair  
2 damage covered by a valid contract, the licensee must be  
3 considered to be in compliance with the contractual  
4 obligation;

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

6 (d) The licensee violates the recordkeeping  
7 requirements of s. 482.051(5) three or more times within 2  
8 years.

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

12 (6) The permit of a licensee whose written  
13 authorization has been suspended within the previous 3 years  
14 shall be revoked if the licensee violates subsection (4).

15 (7) The department may not issue a permit or renew the  
16 written authorization to perform preventive termite treatments  
17 if the applicant or licensee or any of its directors,  
18 officers, owners, or general partners are or were directors,  
19 officers, owners, or general partners of a pest control  
20 business that went out of business or sold the business within  
21 5 years immediately preceding the date of application or  
22 renewal and failed to reimburse the prorated renewal fee of  
23 any customer's remaining wood-destroying-organism contract  
24 periods or failed to provide for another licensed pest control  
25 operator to assume its existing wood-destroying-organism  
26 contract responsibility.

27 (8) A licensee must conspicuously display its current  
28 permit at all business locations, each of which must have a  
29 separate permit.

30 (9) A licensee holding a permit must maintain accurate  
31 records of all pesticides purchased, obtained, or available

1 for its use; the total amount of the area treated using soil  
2 applied termiticides; and the total number of sites treated  
3 using this and any other method of treatment. These records  
4 must be made available to the department immediately upon  
5 request. The amount of pesticides purchased, obtained, or  
6 otherwise available must at least equal the amount required by  
7 the pesticide label to treat the area or number of sites  
8 treated.

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

12 (11) The department shall adopt rules necessary to  
13 administer this section.

14 Section 4. Subsection (10) is added to section  
15 482.091, Florida Statutes, to read:

16 482.091 Employee identification cards.--

17 (10) In addition to the training required by s.  
18 482.091(3), each identification cardholder must receive 4  
19 hours of classroom training in pesticide safety, integrated  
20 pest management, and applicable federal and state laws and  
21 rules within 6 months after issuance of the card or must have  
22 received such training within 2 years before issuance of the  
23 card. Each cardholder must receive at least 2 hours of  
24 continuing training in pesticide safety, integrated pest  
25 management, and applicable federal and state laws and rules by  
26 the renewal date of the card. Certified operators who maintain  
27 their certificates in good standing are exempt from this  
28 subsection. The department shall adopt rules regarding  
29 verification of such training.

30 Section 5. Paragraph (b) of subsection (2) of section  
31 482.132, Florida Statutes, is amended to read:

1           482.132 Qualifications for examination and  
2 certification.--

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

6           (b) A degree with advanced training or a major in  
7 entomology, botany, agronomy, or horticulture from a  
8 recognized college or university, which training or major  
9 included the completion of at least 20 semester hours or 30  
10 quarter hours of college credits in those subjects, plus 1  
11 year's employment as a service employee of a licensee that  
12 performs pest control in the category or categories in which  
13 the applicant seeks certification or the successful completion  
14 of a 1-year entomology program at a public university in this  
15 state which specializes in urban pest management and includes  
16 practical pest management experience. If such advanced  
17 training or major is in entomology, the applicant is qualified  
18 for examination in all categories; but if such advanced  
19 training or major is in botany, agronomy, or horticulture, the  
20 applicant is qualified for examination only in the category of  
21 lawn and ornamental pest control.

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

24           482.161 Disciplinary grounds and actions;  
25 reinstatement.--

26           (4) Any charge of a violation of this chapter or of  
27 the rules adopted pursuant to this chapter by a licensee  
28 affects only the license or permit of the business location  
29 from which the violation is alleged to have occurred. Another  
30 license or permit may not be issued to the same licensee, or  
31 to any person who has an ownership interest in the suspended

1 or revoked business license of the licensee and who knew or  
2 should have known of the violation that resulted in the  
3 suspension or revocation, for a new business location in the  
4 same county or any contiguous county for a period of 3 years  
5 after the effective date of the suspension or revocation.

6 Section 7. Subsection (11) of section 482.211, Florida  
7 Statutes, is repealed.

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

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11 SENATE SUMMARY

12 Revises provisions related to the regulation of pest  
13 control. Requires licensees to hold a permit in order to  
14 perform preventive termite treatments for new  
15 construction and provides permitting and regulatory  
16 guidelines for such operations. Provides penalties.  
17 Provides training and educational requirements. Limits  
18 the applicability of certain sanctions to multi-location  
19 licensees. Repeals an exemption from regulation for  
20 certain yard workers. (See bill for details.)

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