

By the Committee on Agriculture and Consumer Services; and
Senator Bronson

303-1659-01

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 permit
10 has been suspended, revoked, or otherwise denied.

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

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

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

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

1 damage covered by a valid contract, the licensee must be
2 considered to be in compliance with the contractual
3 obligation;

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

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

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

11 (6) The permit of a licensee whose permit has been
12 suspended within the previous 3 years shall be revoked if the
13 licensee subsequently meets any of the conditions of
14 subsection (4).

15 (7) The department may not issue a permit or renew the
16 permit to perform preventive termite treatments if the
17 applicant or licensee or any of its directors, officers,
18 owners, or general partners are or were directors, officers,
19 owners, or general partners of a pest control business that
20 went out of business or sold the business within 5 years
21 immediately preceding the date of application or renewal and
22 failed to reimburse the prorated renewal fee of any customer's
23 remaining wood-destroying-organism contract periods or failed
24 to provide for another licensed pest control operator to
25 assume its existing wood-destroying-organism contract
26 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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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 2042

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13 Committee Substitute for Senate Bill 2042 is different from
14 Senate Bill 2042 in that technical changes were made and a
15 provision in the bill concerning individuals who are licensed
16 to perform preventive termite treatments for new construction
17 was clarified. The permit of a licensee which has been
18 suspended within the previous three years shall be revoked if
19 the licensee subsequently meets any of certain specified
20 conditions instead of all of the conditions.

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