

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; amending s.  
22          482.242, F.S.; providing additional exceptions  
23          to the state's preemption of pest-control  
24          regulation; 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 upon request. The  
5 amount of pesticides purchased, obtained, or otherwise  
6 available must at least equal the amount required by the  
7 pesticide label to treat the area or number of sites treated.

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

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

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

15 482.091 Employee identification cards.--

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

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

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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 (1) of section 482.242, Florida  
7 Statutes, is amended to read:

8 482.242 Preemption.--  
9 (1) This chapter is intended as comprehensive and  
10 exclusive regulation of pest control in this state. The  
11 provisions of this chapter preempt to the state all regulation  
12 of the activities and operations of pest control services,  
13 including the pesticides used pursuant to labeling and  
14 registration approved under chapter 487. No local government  
15 or political subdivision of the state may enact or enforce an  
16 ordinance that regulates pest control, except that the  
17 preemption in this section does not prohibit a local  
18 government or political subdivision from enacting an ordinance  
19 regarding any of the following:

20 (a) Local occupational licenses adopted pursuant to  
21 chapter 205.

22 (b) Land development regulations adopted pursuant to  
23 chapter 163 which include regulation of any aspect of  
24 development, including a subdivision, building construction,  
25 sign regulation or any other regulation concerning the  
26 development of land, or landscaping or tree protection  
27 ordinances which do not include pesticide application  
28 restrictions.

29 (c) Regulations that:  
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1           1. Require annual termite inspections for termite  
2 activity or damage, including Formosan termites, which must be  
3 performed by a person licensed under this chapter.

4           2. Require pest control treatments of structures that  
5 have termite activity or damage, which must be performed by a  
6 person licensed under this chapter.

7           3. Require property owners or other persons to obtain  
8 inspections or pest control treatments performed by a person  
9 licensed under this chapter.

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11 An ordinance by a local government or political subdivision  
12 which requires an annual inspection or pest control treatment  
13 must conform to current law.

14           ~~(d)(c)~~ Protection of wellhead protection areas and  
15 high recharge areas.

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

19           ~~(f)(e)~~ Hazardous material unlawful discharge and  
20 disposal.

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

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