

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.

25
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:

31

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:

30 1. Require, for multi-complex dwellings in excess of
31 10 units, annual termite inspections for termite activity or

1 damage, including Formosan termites, which must be performed
2 by a person licensed under this chapter.

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

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

9
10 An ordinance by a local government or political subdivision
11 which requires an annual inspection or pest control treatment
12 must conform to current law.

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

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

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

20 (g)(f) Hazardous materials remediation.

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