

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1232

SPONSOR: Agriculture Committee and Senator Argenziano

SUBJECT: Practice of Pest Control

DATE: March 27, 2003 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|-----------------|----------------|------------|---------------------|
| 1. | <u>Akhavain</u> | <u>Poole</u> | <u>AG</u> | <u>Favorable/CS</u> |
| 2. | <u>Wilson</u> | <u>Wilson</u> | <u>GO</u> | <u>Favorable</u> |
| 3. | _____ | _____ | <u>AGG</u> | _____ |
| 4. | _____ | _____ | <u>AP</u> | _____ |
| 5. | _____ | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ | _____ |

I. Summary:

This bill addresses provisions affecting the practice of pest control regulated by the Department of Agriculture and Consumer Services. It:

- \$ Limits the time a person may hold a second identification card to one year; an exception of two years is made for persons holding a second card in fumigation;
- \$ Authorizes vehicles which are only used to perform sales and solicitation of pest control to have temporary or removable markers;
- \$ Exempts special identification cardholders for fumigation from technical training requirements;
- \$ Narrows the categories of certification that may perform pest control fumigation;
- \$ Revises renewal language for limited commercial landscape maintenance personnel to include deadlines and late fees for late applications, as well as provides an expiration date for failure to renew a license;
- \$ Provides disciplinary actions against persons impersonating a pest control inspector; and
- \$ Adds a fine that exceeds the cost of a license to the disciplinary action taken against an unlicensed applicator on the first offense.

This bill amends sections 482.051, 482.091, 482.155, 482.156, 482.161, and 482.165 of the Florida Statutes.

II. Present Situation:

Currently, Florida statutes allow a certified pest control operator seeking to obtain experience in a category for which he or she is not certified to hold a second identification card for an unspecified time period until experience can be obtained for certification in the second category.

Some operators are using this loophole to perform duties for which they have not obtained certification. Others, who are certified operators who have carried their second identification card for over two years, are using the lack of a time limit to be a salesman for a second company. Current statute does not clearly prohibit this activity. This legislation specifies a time limit of one year for a second card, which would be adequate time for the person to gain experience for certification. The legislation provides for an exception in the category of fumigation, which allows a card to be issued for a period of two years.

A new requirement for technical training was enacted during the 2001 Legislative Session which exempted Certified Operators from such training, but did not exempt Special Identification Cardholders for fumigation. These cardholders already attend continuing education courses specifically drawn to their specialized area of training.

Under current law, individuals holding a Limited Certification for Governmental Pesticide Applicators or Private Applicators could legally perform pest control fumigation within this category. Fumigation requires specialized equipment, safety precautions and significant training in order to do it safely and correctly. The scope of the training needed is not covered by this category and fumigation should only be performed by highly trained individuals certified in the commercial fumigation category.

Current law for limited commercial landscape maintenance does not include deadlines and late fees for late applications. This bill provides clarification of license expiration dates and deadlines for renewing a license.

The Florida Department of Agriculture and Consumer Services (department) has received reports of several instances of people alleged to have impersonated pest control inspectors. As a safeguard against such behavior, the bill provides for disciplinary actions against a licensee or other person impersonating a pest control inspector.

The department has experienced problems in the recent past with persons practicing unlicensed pest control. Upon first violation, the offender receives a cease and desist order. For a second violation an administrative action can be taken to encourage licensing. However, these actions have not been successful in dissuading individuals from practicing without a license. The bill allows the department to impose a fine, which exceeds the cost of a license, against unlicensed applicators on the first offense. The department believes that this legislation will encourage compliance by making the cost of violation more expensive than the cost of licensing.

III. Effect of Proposed Changes:

Section 1. Amends s. 482.051, F.S., to authorize vehicles which are used to perform only sales and solicitation to have temporary or removable markers.

Section 2. Amends s. 482.091, F.S., to limit the period for which an employee identification card may be issued. Exempts Special Identification Cardholders for fumigation from the general pest control identification card classroom and continuing training requirements.

Section 3. Amends s. 482.155, F.S., to restrict the authorization of a person holding a limited certification.

Section 4. Amends s. 482.156, F.S., to clarify deadlines and license expiration dates for commercial landscape maintenance personnel. Imposes a late renewal fee of \$50.

Section 5. Amends s. 482.161, F.S., to provide for disciplinary action against a licensee or other person who impersonates a Department of Agriculture and Consumer Services employee.

Section 6. Amends s. 482.165, F.S., to authorize a fine for engaging in the unlicensed practice of pest control.

Section 7. Provides that this act shall take effect July 1, 2003.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill would result in no fiscal impact upon licensed pest control operators; however, the bill authorizes fines to be assessed against pest control operators who are unlicensed.

C. Government Sector Impact:

The Department of Agriculture and Consumer Services anticipates recurring revenues deposited into the Pest Control Trust Fund to be \$25,000 a year. Increased revenue from fines for unlicensed pest control applicators are estimated at \$22,500 per year. This estimate is based upon 45 applicators per year fined \$500 each. An additional \$2,500 is estimated from the late renewal fee for commercial landscape maintenance personnel.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
