

By Senator Argenziano

3-549A-03

1 A bill to be entitled
 2 An act relating to the practice of pest
 3 control; amending s. 482.091, F.S.; providing
 4 certain restrictions on the issuance of
 5 employee identification cards; amending s.
 6 482.155, F.S.; providing that a limited
 7 certification does not authorize fumigation of
 8 a structure; amending s. 482.156, F.S.;
 9 providing a fee for the late renewal of
 10 certification for commercial landscape
 11 maintenance personnel; providing for automatic
 12 expiration of such certification following
 13 failure to obtain recertification; amending s.
 14 482.161, F.S.; authorizing the Department of
 15 Agriculture and Consumer Services to take
 16 disciplinary action against a licensee or other
 17 person who impersonates a department employee;
 18 amending s. 482.165, F.S.; authorizing the
 19 department to impose an additional fine for the
 20 unlicensed practice of pest control; providing
 21 an exception; providing an effective date.

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

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 25 Section 1. Subsections (7) and (10) of section
 26 482.091, Florida Statutes, are amended to read:

27 482.091 Employee identification cards.--

28 (7) A person may not be issued, or may not hold, an
 29 identification card for more than one licensee at any one
 30 time, except a certified operator for the express and sole
 31 purpose of, and period for, obtaining experience to qualify

1 for examination in a category for which such person is not
2 certified and seeks certification. The period of time for
3 which a second card may be issued may not exceed 1 year from
4 the date of issuance, except in the category of fumigation for
5 which a card may be issued for 2 years.

6 (10) In addition to the training required by
7 subsection (3), each identification cardholder must receive 4
8 hours of classroom training in pesticide safety, integrated
9 pest management, and applicable federal and state laws and
10 rules within 6 months after issuance of the card or must have
11 received such training within 2 years before issuance of the
12 card. Each cardholder must receive at least 2 hours of
13 continuing training in pesticide safety, integrated pest
14 management, and applicable federal and state laws and rules by
15 the renewal date of the card. Certified operators and special
16 identification cardholders for fumigation who maintain their
17 certificates in good standing are exempt from this subsection.
18 The department shall adopt rules regarding verification of
19 such training.

20 Section 2. Subsection (5) is added to section 482.155,
21 Florida Statutes, to read:

22 482.155 Limited certification for governmental
23 pesticide applicators or private applicators.--

24 (5) A limited certification granted under this section
25 does not authorize the performance of fumigation of a
26 structure.

27 Section 3. Subsection (3) of section 482.156, Florida
28 Statutes, is amended to read:

29 482.156 Limited certification for commercial landscape
30 maintenance personnel.--

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1 (3) An application for recertification under this
2 section must be made annually and be accompanied by a
3 recertification fee set by the department, in an amount of not
4 more than \$75 or less than \$25; however, until a rule setting
5 this fee is adopted by the department, the fee for
6 recertification is \$25. The application must also be
7 accompanied by proof of having completed 4 classroom hours of
8 acceptable continuing education and the same proof of having a
9 certificate of insurance as is required for initial
10 certification. After a grace period not exceeding 30 calendar
11 days following the annual date that recertification is due, a
12 late renewal charge of \$50 shall be assessed and must be paid
13 in addition to the renewal fee. Unless timely recertified, a
14 certificate automatically expires 180 calendar days after the
15 anniversary recertification date. Subsequent to such
16 expiration, a certificate may be issued only upon successful
17 reexamination and upon payment of the examination fees due.

18 Section 4. Paragraph (j) is added to subsection (1) of
19 section 482.161, Florida Statutes, to read:

20 482.161 Disciplinary grounds and actions;
21 reinstatement.--

22 (1) The department may issue a written warning to or
23 impose a fine against, or deny the application for licensure
24 or licensure renewal of, a licensee, certified operator,
25 limited certificateholder, identification cardholder, or
26 special identification cardholder or any other person, or may
27 suspend, revoke, or deny the issuance or renewal of any
28 license, certificate, limited certificate, identification
29 card, or special identification card that is within the scope
30 of this chapter, in accordance with chapter 120, upon any of
31 the following grounds:

1 (j) Impersonation of a department employee.

2 Section 5. Section 482.165, Florida Statutes, is
3 amended to read:

4 482.165 Unlicensed practice of pest control; cease and
5 desist order; injunction; civil suit and penalty.--

6 (1) It is unlawful for a person, partnership, firm,
7 corporation, or other business entity not licensed by the
8 department to practice pest control.

9 (2) If the department has probable cause to believe
10 that a person, partnership, firm, corporation, or other
11 business entity not licensed by the department to practice
12 pest control has violated any provision of this chapter, the
13 department shall issue and deliver to that person,
14 partnership, firm, corporation, or other business entity a
15 notice to cease and desist from such violation. For the
16 purpose of enforcing a cease and desist order, the department
17 may file a proceeding in the name of the state seeking
18 issuance of an injunction or a writ of mandamus against any
19 person, partnership, firm, corporation, or other business
20 entity that violates any provision of the order.

21 (3) In addition to or in lieu of any remedy provided
22 under subsection (2), the department may institute a civil
23 suit in circuit court to recover a civil penalty for any
24 violation for which the department may issue a notice to cease
25 and desist under subsection (2). The civil penalty may not be
26 less than \$500 or more than \$5,000 for each offense. The
27 court may also award to the prevailing party court costs and
28 reasonable attorney's fees.

29 (4) The violation or disregard of a cease and desist
30 order issued for the purpose of terminating unlicensed pest
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1 control activities is a ground for denial of a license or
2 certificate when applied for.
3 (5) In addition to or in lieu of any remedy provided
4 under subsections (2) and (3), the department may, even in the
5 case of a first offense, impose a fine not less than twice the
6 cost of a pest control business license, but not more than
7 \$5,000, upon a determination by the department that a person
8 is in violation of subsection (1). For the purposes of this
9 section, the lapse of a previously issued license for a period
10 of less than 1 year shall not be considered a violation.

11 Section 6. This act shall take effect July 1, 2003.

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SENATE SUMMARY

Revises various provisions governing the regulation of the practice of pest control by the Department of Agriculture and Consumer Services. Limits the period for which an employee identification card may be issued. Restricts the authorization of a person holding a limited certification. Imposes a late-renewal fee for commercial landscape maintenance personnel. Provides for disciplinary action against a licensee or other person who impersonates a department employee. Provides an additional fine for engaging in the unlicensed practice of pest control.