

By the Committee on Agriculture; and Senators Argenziano, Bennett and Bullard

303-1977-03

1 A bill to be entitled
2 An act relating to the practice of pest
3 control; amending s. 482.051, F.S.; providing
4 for temporary markers for vehicles; amending s.
5 482.091, F.S.; providing certain restrictions
6 on the issuance of employee identification
7 cards; amending s. 482.155, F.S.; providing
8 that a limited certification does not authorize
9 fumigation of a structure; amending s. 482.156,
10 F.S.; providing a fee for the late renewal of
11 certification for commercial landscape
12 maintenance personnel; providing for automatic
13 expiration of such certification following
14 failure to obtain recertification; amending s.
15 482.161, F.S.; authorizing the Department of
16 Agriculture and Consumer Services to take
17 disciplinary action against a licensee or other
18 person who impersonates a department employee;
19 amending s. 482.165, F.S.; authorizing the
20 department to impose an additional fine for the
21 unlicensed practice of pest control; providing
22 an exception; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
25

26 Section 1. Subsection (2) of section 482.051, Florida
27 Statutes, is amended to read:

28 482.051 Rules.--The department has authority to adopt
29 rules pursuant to ss. 120.536(1) and 120.54 to implement the
30 provisions of this chapter. Prior to proposing the adoption
31 of a rule, the department shall counsel with members of the

1 pest control industry concerning the proposed rule. The
2 department shall adopt rules for the protection of the health,
3 safety, and welfare of pest control employees and the general
4 public which require:

5 (2) That vehicles and trailers used in pest control be
6 permanently marked with the licensee's name that is registered
7 with the department. However, vehicles that are used to
8 perform only sales and solicitation may have temporary or
9 removable markers.

10 Section 2. Subsections (7) and (10) of section
11 482.091, Florida Statutes, are amended to read:

12 482.091 Employee identification cards.--

13 (7) A person may not be issued, or may not hold, an
14 identification card for more than one licensee at any one
15 time, except a certified operator for the express and sole
16 purpose of, and period for, obtaining experience to qualify
17 for examination in a category for which such person is not
18 certified and seeks certification. The period of time for
19 which a second card may be issued may not exceed 1 year from
20 the date of issuance, except in the category of fumigation for
21 which a card may be issued for 2 years.

22 (10) In addition to the training required by
23 subsection (3), each identification cardholder must receive 4
24 hours of classroom training in pesticide safety, integrated
25 pest management, and applicable federal and state laws and
26 rules within 6 months after issuance of the card or must have
27 received such training within 2 years before issuance of the
28 card. Each cardholder must receive at least 2 hours of
29 continuing training in pesticide safety, integrated pest
30 management, and applicable federal and state laws and rules by
31 the renewal date of the card. Certified operators and special

1 identification cardholders for fumigation who maintain their
2 certificates in good standing are exempt from this subsection.
3 The department shall adopt rules regarding verification of
4 such training.

5 Section 3. Subsection (5) is added to section 482.155,
6 Florida Statutes, to read:

7 482.155 Limited certification for governmental
8 pesticide applicators or private applicators.--

9 (5) A limited certification granted under this section
10 does not authorize the performance of fumigation of a
11 structure.

12 Section 4. Subsection (3) of section 482.156, Florida
13 Statutes, is amended to read:

14 482.156 Limited certification for commercial landscape
15 maintenance personnel.--

16 (3) An application for recertification under this
17 section must be made annually and be accompanied by a
18 recertification fee set by the department, in an amount of not
19 more than \$75 or less than \$25; however, until a rule setting
20 this fee is adopted by the department, the fee for
21 recertification is \$25. The application must also be
22 accompanied by proof of having completed 4 classroom hours of
23 acceptable continuing education and the same proof of having a
24 certificate of insurance as is required for initial
25 certification. After a grace period not exceeding 30 calendar
26 days following the annual date that recertification is due, a
27 late renewal charge of \$50 shall be assessed and must be paid
28 in addition to the renewal fee. Unless timely recertified, a
29 certificate automatically expires 180 calendar days after the
30 anniversary recertification date. Subsequent to such

31

1 expiration, a certificate may be issued only upon successful
2 reexamination and upon payment of the examination fees due.

3 Section 5. Paragraph (j) is added to subsection (1) of
4 section 482.161, Florida Statutes, to read:

5 482.161 Disciplinary grounds and actions;
6 reinstatement.--

7 (1) The department may issue a written warning to or
8 impose a fine against, or deny the application for licensure
9 or licensure renewal of, a licensee, certified operator,
10 limited certificateholder, identification cardholder, or
11 special identification cardholder or any other person, or may
12 suspend, revoke, or deny the issuance or renewal of any
13 license, certificate, limited certificate, identification
14 card, or special identification card that is within the scope
15 of this chapter, in accordance with chapter 120, upon any of
16 the following grounds:

17 (j) Impersonation of a department employee.

18 Section 6. Section 482.165, Florida Statutes, is
19 amended to read:

20 482.165 Unlicensed practice of pest control; cease and
21 desist order; injunction; civil suit and penalty.--

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

25 (2) If the department has probable cause to believe
26 that a person, partnership, firm, corporation, or other
27 business entity not licensed by the department to practice
28 pest control has violated any provision of this chapter, the
29 department shall issue and deliver to that person,
30 partnership, firm, corporation, or other business entity a
31 notice to cease and desist from such violation. For the

1 purpose of enforcing a cease and desist order, the department
2 may file a proceeding in the name of the state seeking
3 issuance of an injunction or a writ of mandamus against any
4 person, partnership, firm, corporation, or other business
5 entity that violates any provision of the order.

6 (3) In addition to or in lieu of any remedy provided
7 under subsection (2), the department may institute a civil
8 suit in circuit court to recover a civil penalty for any
9 violation for which the department may issue a notice to cease
10 and desist under subsection (2). The civil penalty may not be
11 less than \$500 or more than \$5,000 for each offense. The
12 court may also award to the prevailing party court costs and
13 reasonable attorney's fees.

14 (4) The violation or disregard of a cease and desist
15 order issued for the purpose of terminating unlicensed pest
16 control activities is a ground for denial of a license or
17 certificate when applied for.

18 (5) In addition to or in lieu of any remedy provided
19 under subsections (2) and (3), the department may, even in the
20 case of a first offense, impose a fine not less than twice the
21 cost of a pest control business license, but not more than
22 \$5,000, upon a determination by the department that a person
23 is in violation of subsection (1). For the purposes of this
24 subsection, the lapse of a previously issued license for a
25 period of less than 1 year shall not be considered a
26 violation.

27 Section 7. This act shall take effect July 1, 2003.
28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1232

The Committee Substitute for Senate Bill 1232 is different from Senate Bill 1232 in that it:

1. Authorizes vehicles which are only used to perform sales and solicitation of pest control to have temporary or removable markers, and
2. Makes a technical correction.