

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 405 w/CS Practice of pest control
SPONSOR(S): Representative Spratt
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1232

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Agriculture	12 Y, 0 N w/CS	Kaiser	Reese
2) Finance & Tax	22 Y, 0 N	Levin	Diez-Arguelles
3) Agriculture & Environment Apps. (Sub)	12 Y, 0 N	Sneed	Dixon
4) Appropriations			
5)			

SUMMARY ANALYSIS

HB 405 addresses issues relating to the practice of pest control within the Department of Agriculture and Consumer Services (department). The bill:

- 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;
- 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 a \$50 late renewal charge when annual recertifications are not filed timely as well as provides an expiration date for failure to renew a license;
- Provides disciplinary actions against persons impersonating a pest control inspector, and
- Provides that the department may impose a fine of not less than twice the cost of a license (not to exceed \$5000) for disciplinary action levied against an unlicensed applicator, and
- Allows vehicles used for sales or solicitation to have temporary signage.

HB 405 does not appear to affect municipal or county government; nor does it give the department rule-making authority over any of the above mentioned issues. The fiscal impact for licensed pest control operators is limited to the \$50 late renewal fee, if applicable. Fines would only be assessed against unlicensed pest control operators.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0405e.ap.doc
DATE: April 10, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Currently, Florida statutes allow a certified pest control operator seeking to obtain experience in a category for which he/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. 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.

In addition, to correct an oversight arising from changes to s. 482.091, F.S., during the 2001 Legislative Session, special identification cardholders for fumigation are exempt from technical training requirements. This category of cardholder attends continued education courses specifically drawn to their specialized area of training. In addition, because of the specialized equipment, safety precautions and training needed to perform fumigation, the bill narrows the categories of certification that may perform pest control fumigation.

The bill revises the renewal language for limited commercial landscape maintenance personnel to include an annual date for recertification and a late renewal charge of \$50 for late applications. It also provides an expiration date for failure to renew a license. Current law does not include deadlines or expiration dates for this category of personnel.

The Florida Department of Agriculture and Consumer Services (department) has received reports of several alleged instances of people impersonating 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; if caught a second time, an administrative action can be taken to encourage licensing. However, these actions do not tend to dissuade 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. It is hoped, with the licensing fee being less than the fine, this legislation will encourage compliance.

The bill also allows vehicles used for sales or solicitation to have temporary signage.

C. SECTION DIRECTORY:

Section 1: Amends s. 482.051, F.S., provides for temporary/removable markers for certain vehicles.

Section 2: Amends s. 482.091, F.S., limits the period for which an employee identification card may be issued.

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

Section 4: Amends s. 482.156, F.S., imposes a late-renewal fee for commercial landscape maintenance personnel.

Section 5: Amends s. 482.161, F.S., provides for disciplinary action against a licensee or other person who impersonates a department employee.

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

Section 7: Provides an effective date of July 1, 2003.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

	Fund	Year 1 (FY 03-04)	Year 2 (FY 04-05)	Year 3 (FY 05-06)
Anticipated Recurring Revenues	PCTF*	<u>\$25,000</u>	<u>\$25,000</u>	<u>\$25,000</u>
Total Revenue		<u>\$25,000</u>	<u>\$25,000</u>	<u>\$25,000</u>

*Pest Control Trust Fund

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The fiscal impact on licensed pest control operators would be limited to \$50 late fees, if applicable. Fines would be assessed against unlicensed pest control operators, should they become licensed.

D. FISCAL COMMENTS:

Increased revenue from fines for unlicensed pest control applicators are estimated at \$22,500 per year. This estimate is based on 45 applicators per year fined \$500 each. An additional \$2,500 is estimated from the late renewal fee for commercial landscape maintenance personnel. This increase, totaling approximately \$25,000 annually, would bring trust fund revenues in line with the total amount of appropriations funded from the department's Pest Control Trust Fund in the House Appropriations Bill (HB 1789).

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to affect municipal or county government.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

HB 405 has the support of both industries in the state related to pest control, the Florida Pest Management Association and the Certified Pest Control Operators. Representatives from both organizations have worked in conjunction with the Department of Agriculture and Consumer Services in drafting this legislation.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 13, 2003, the Committee on Agriculture adopted two amendments both of which were offered by Representative Spratt. The first amendment was of a technical nature, correcting a reference that should have referred to a "subsection" rather than a "section." The second amendment allows vehicles used for sales or solicitation to use temporary signage. This analysis has been revised to reflect the adoption of these amendments.