



HB 0405

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A bill to be entitled

An act relating to the practice of pest control; amending s. 482.091, F.S.; providing certain restrictions on the issuance of employee identification cards; amending s. 482.155, F.S.; providing that a limited certification does not authorize fumigation of a structure; amending s. 482.156, F.S.; providing a fee for the late renewal of certification for commercial landscape maintenance personnel; providing for automatic expiration of such certification following failure to obtain recertification; amending s. 482.161, F.S.; authorizing the Department of Agriculture and Consumer Services to take disciplinary action against a licensee or other person who impersonates a department employee; amending s. 482.165, F.S.; authorizing the department to impose an additional fine for the unlicensed practice of pest control; providing an exception; providing an effective date.

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

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

482.091 Employee identification cards.--

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



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31 in the category of fumigation for which a card may be issued for  
 32 2 years.

33 (10) In addition to the training required by subsection  
 34 (3), each identification cardholder must receive 4 hours of  
 35 classroom training in pesticide safety, integrated pest  
 36 management, and applicable federal and state laws and rules  
 37 within 6 months after issuance of the card or must have received  
 38 such training within 2 years before issuance of the card. Each  
 39 cardholder must receive at least 2 hours of continuing training  
 40 in pesticide safety, integrated pest management, and applicable  
 41 federal and state laws and rules by the renewal date of the  
 42 card. Certified operators and special identification cardholders  
 43 for fumigation who maintain their certificates in good standing  
 44 are exempt from this subsection. The department shall adopt  
 45 rules regarding verification of such training.

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

48 482.155 Limited certification for governmental pesticide  
 49 applicators or private applicators.--

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

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

54 482.156 Limited certification for commercial landscape  
 55 maintenance personnel.--

56 (3) An application for recertification under this section  
 57 must be made annually and be accompanied by a recertification  
 58 fee set by the department, in an amount of not more than \$75 or  
 59 less than \$25; however, until a rule setting this fee is adopted  
 60 by the department, the fee for recertification is \$25. The



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61 application must also be accompanied by proof of having  
62 completed 4 classroom hours of acceptable continuing education  
63 and the same proof of having a certificate of insurance as is  
64 required for initial certification. After a grace period not  
65 exceeding 30 calendar days following the annual date that  
66 recertification is due, a late renewal charge of \$50 shall be  
67 assessed and must be paid in addition to the renewal fee. Unless  
68 timely recertified, a certificate automatically expires 180  
69 calendar days after the anniversary recertification date.  
70 Subsequent to such expiration, a certificate may be issued only  
71 upon successful reexamination and upon payment of the  
72 examination fees due.

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

75 482.161 Disciplinary grounds and actions; reinstatement.--

76 (1) The department may issue a written warning to or  
77 impose a fine against, or deny the application for licensure or  
78 licensure renewal of, a licensee, certified operator, limited  
79 certificateholder, identification cardholder, or special  
80 identification cardholder or any other person, or may suspend,  
81 revoke, or deny the issuance or renewal of any license,  
82 certificate, limited certificate, identification card, or  
83 special identification card that is within the scope of this  
84 chapter, in accordance with chapter 120, upon any of the  
85 following grounds:

86 (j) Impersonation of a department employee.

87 Section 5. Section 482.165, Florida Statutes, is amended  
88 to read:

89 482.165 Unlicensed practice of pest control; cease and  
90 desist order; injunction; civil suit and penalty.--



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

94 (2) If the department has probable cause to believe that a  
 95 person, partnership, firm, corporation, or other business entity  
 96 not licensed by the department to practice pest control has  
 97 violated any provision of this chapter, the department shall  
 98 issue and deliver to that person, partnership, firm,  
 99 corporation, or other business entity a notice to cease and  
 100 desist from such violation. For the purpose of enforcing a  
 101 cease and desist order, the department may file a proceeding in  
 102 the name of the state seeking issuance of an injunction or a  
 103 writ of mandamus against any person, partnership, firm,  
 104 corporation, or other business entity that violates any  
 105 provision of the order.

106 (3) In addition to or in lieu of any remedy provided under  
 107 subsection (2), the department may institute a civil suit in  
 108 circuit court to recover a civil penalty for any violation for  
 109 which the department may issue a notice to cease and desist  
 110 under subsection (2). The civil penalty may not be less than  
 111 \$500 or more than \$5,000 for each offense. The court may also  
 112 award to the prevailing party court costs and reasonable  
 113 attorney's fees.

114 (4) The violation or disregard of a cease and desist order  
 115 issued for the purpose of terminating unlicensed pest control  
 116 activities is a ground for denial of a license or certificate  
 117 when applied for.

118 (5) In addition to or in lieu of any remedy provided under  
 119 subsections (2) and (3), the department may, even in the case of  
 120 a first offense, impose a fine not less than twice the cost of a



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121 pest control business license, but not more than \$5,000, upon a  
122 determination by the department that a person is in violation of  
123 subsection (1). For the purposes of this section, the lapse of a  
124 previously issued license for a period of less than 1 year shall  
125 not be considered a violation.

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