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The Committee on Agriculture recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to the practice of pest control; amending s. 482.051, F.S.; providing for temporary or removable markers for certain vehicles; 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.



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

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

482.051 Rules.--The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. Prior to proposing the adoption of a rule, the department shall counsel with members of the pest control industry concerning the proposed rule. The department shall adopt rules for the protection of the health, safety, and welfare of pest control employees and the general public which require:

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

Section 2. 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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57 | in the category of fumigation for which a card may be issued for  
58 | 2 years.

59 | (10) In addition to the training required by  
60 | subsection(3), each identification cardholder must receive 4  
61 | hours of classroom training in pesticide safety, integrated pest  
62 | management, and applicable federal and state laws and rules  
63 | within 6 months after issuance of the card or must have received  
64 | such training within 2 years before issuance of the card. Each  
65 | cardholder must receive at least 2 hours of continuing training  
66 | in pesticide safety, integrated pest management, and applicable  
67 | federal and state laws and rules by the renewal date of the  
68 | card. Certified operators and special identification cardholders  
69 | for fumigation who maintain their certificates in good standing  
70 | are exempt from this subsection. The department shall adopt  
71 | rules regarding verification of such training.

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

74 | 482.155 Limited certification for governmental pesticide  
75 | applicators or private applicators.--

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

78 | Section 4. Subsection (3) of section 482.156, Florida  
79 | Statutes, is amended to read:

80 | 482.156 Limited certification for commercial landscape  
81 | maintenance personnel.--

82 | (3) An application for recertification under this section  
83 | must be made annually and be accompanied by a recertification  
84 | fee set by the department, in an amount of not more than \$75 or



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85 less than \$25; however, until a rule setting this fee is adopted  
86 by the department, the fee for recertification is \$25. The  
87 application must also be accompanied by proof of having  
88 completed 4 classroom hours of acceptable continuing education  
89 and the same proof of having a certificate of insurance as is  
90 required for initial certification. After a grace period not  
91 exceeding 30 calendar days following the annual date that  
92 recertification is due, a late renewal charge of \$50 shall be  
93 assessed and must be paid in addition to the renewal fee. Unless  
94 timely recertified, a certificate automatically expires 180  
95 calendar days after the anniversary recertification date.  
96 Subsequent to such expiration, a certificate may be issued only  
97 upon successful reexamination and upon payment of the  
98 examination fees due.

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

101 482.161 Disciplinary grounds and actions; reinstatement.--

102 (1) The department may issue a written warning to or  
103 impose a fine against, or deny the application for licensure or  
104 licensure renewal of, a licensee, certified operator, limited  
105 certificateholder, identification cardholder, or special  
106 identification cardholder or any other person, or may suspend,  
107 revoke, or deny the issuance or renewal of any license,  
108 certificate, limited certificate, identification card, or  
109 special identification card that is within the scope of this  
110 chapter, in accordance with chapter 120, upon any of the  
111 following grounds:

112 (j) Impersonation of a department employee.



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113 Section 6. Section 482.165, Florida Statutes, is amended  
114 to read:

115 482.165 Unlicensed practice of pest control; cease and  
116 desist order; injunction; civil suit and penalty.--

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

120 (2) If the department has probable cause to believe that a  
121 person, partnership, firm, corporation, or other business entity  
122 not licensed by the department to practice pest control has  
123 violated any provision of this chapter, the department shall  
124 issue and deliver to that person, partnership, firm,  
125 corporation, or other business entity a notice to cease and  
126 desist from such violation. For the purpose of enforcing a  
127 cease and desist order, the department may file a proceeding in  
128 the name of the state seeking issuance of an injunction or a  
129 writ of mandamus against any person, partnership, firm,  
130 corporation, or other business entity that violates any  
131 provision of the order.

132 (3) In addition to or in lieu of any remedy provided under  
133 subsection (2), the department may institute a civil suit in  
134 circuit court to recover a civil penalty for any violation for  
135 which the department may issue a notice to cease and desist  
136 under subsection (2). The civil penalty may not be less than  
137 \$500 or more than \$5,000 for each offense. The court may also  
138 award to the prevailing party court costs and reasonable  
139 attorney's fees.



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140 (4) The violation or disregard of a cease and desist order  
141 issued for the purpose of terminating unlicensed pest control  
142 activities is a ground for denial of a license or certificate  
143 when applied for.

144 (5) In addition to or in lieu of any remedy provided under  
145 subsections (2) and (3), the department may, even in the case of  
146 a first offense, impose a fine not less than twice the cost of a  
147 pest control business license, but not more than \$5,000, upon a  
148 determination by the department that a person is in violation of  
149 subsection (1). For the purposes of this subsection, the lapse  
150 of a previously issued license for a period of less than 1 year  
151 shall not be considered a violation.

152 Section 7. This act shall take effect July 1, 2003.