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LEGISLATIVE ACTION

Senate

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House

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05/05/2011 02:56 PM

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Senator Siplin moved the following:

Senate Amendment (with title amendment)

Delete lines 358 - 581

and insert:

Section 6. Subsection (4) 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



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14 require:

15 (4) That a licensee, before performing general fumigation,
16 notify in writing the department inspector having jurisdiction
17 over the location where the fumigation is to be performed, which
18 notice must be received by the department inspector at least 24
19 hours before ~~in advance of~~ the fumigation and must contain such
20 information as the department requires. However, in an authentic
21 and verifiable emergency, when 24 hours' advance notice
22 ~~notification~~ is not possible, advance notice may be given by
23 telephone, facsimile, or any form of acceptable electronic
24 communication, ~~telegraph notice may be given;~~ but such notice
25 must be immediately followed by written confirmation providing
26 the required information.

27 Section 7. Subsection (4) of section 482.071, Florida
28 Statutes, is amended to read:

29 482.071 Licenses.—

30 (4) A licensee may not operate a pest control business
31 without carrying the required insurance coverage. Each person
32 making application for a pest control business license or
33 renewal thereof must furnish to the department a certificate of
34 insurance that meets the requirements for minimum financial
35 responsibility for bodily injury and property damage consisting
36 of:

37 (a) Bodily injury: \$250,000 per ~~\$100,000 each~~ person and
38 \$500,000 per ~~\$300,000 each~~ occurrence; and property damage:
39 \$250,000 per ~~\$50,000 each~~ occurrence and \$500,000 ~~\$100,000~~ in
40 the aggregate; or

41 (b) Combined single-limit coverage: \$500,000 ~~\$400,000~~ in
42 the aggregate.



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43 Section 8. Section 482.072, Florida Statutes, is created to
44 read:

45 482.072 Pest control customer contact centers.—

46 (1) The department may issue a license to a qualified
47 business to operate a customer contact center, to solicit pest
48 control business, or to provide services to customers for one or
49 more business locations licensed under s. 482.071. A person may
50 not operate a customer contact center for a pest control
51 business that is not licensed by the department.

52 (2) (a) Before operating a customer contact center, and
53 biennially thereafter, on or before an anniversary date set by
54 the department for a licensed customer contact center location,
55 the pest control business must apply to the department for a
56 license under this chapter, or a renewal thereof, for each
57 customer contact center location. An application must be
58 submitted in the format prescribed by the department.

59 (b) The department shall establish a fee of at least \$600,
60 but not more than \$1,000, for the issuance of a customer contact
61 center license and a fee of at least \$600, but not more than
62 \$1,000, for renewal of a customer contact center license.
63 However, until rules for renewal fees are adopted, the initial
64 licensing fee and renewal fee are each \$600. The department
65 shall establish a grace period, not to exceed 30 calendar days
66 after the license's anniversary renewal date, and shall assess a
67 late fee of \$150, in addition to the renewal fee, for a license
68 that is renewed after the grace period.

69 (c) A license automatically expires 60 calendar days after
70 the anniversary renewal date unless the license is renewed
71 before that date. When a license expires, it may be reinstated



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72 only upon reapplication and payment of the license renewal fee
73 and a late renewal fee.

74 (d) A license automatically expires if a licensee changes
75 the business address of its customer contact center location.
76 The department shall issue a new license upon payment of a \$250
77 fee. The new license automatically expires 60 calendar days
78 after the anniversary renewal date of the former license unless
79 the license is renewed before that date.

80 (e) The department may not issue or renew a license to
81 operate a customer contact center unless the pest control
82 business licensees for which the customer contact center
83 solicits business are owned in common by a person or business
84 entity recognized by this state.

85 (f) The department may deny a license or refuse to renew a
86 license if the applicant or licensee, or one or more of the
87 applicant's or licensee's directors, officers, owners, or
88 general partners, are or have been directors, officers, owners,
89 or general partners of a pest control business that meets the
90 conditions in s. 482.071(2) (g).

91 (g) Sections 482.091 and 482.152 do not apply to a person
92 who solicits pest control services or provides customer service
93 in a licensed customer contact center unless the person performs
94 pest control as defined in s. 482.021(22) (a)-(d), executes a
95 pest control contract, or accepts remuneration for such work.

96 (h) Section 482.071(2) (e) does not apply to a license
97 issued under this section.

98 (3) (a) The department shall adopt rules establishing
99 requirements and procedures for customer contact center
100 recordkeeping and monitoring to ensure compliance with this



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101 section and rules adopted in accordance with this section.

102 (b) Notwithstanding any other provision of this section:

103 1. A customer contact center licensee is subject to
104 disciplinary action under s. 482.161 for a violation of this
105 section or a rule adopted under this section committed by a
106 person who solicits pest control services or provides customer
107 service in a customer contact center.

108 2. A pest control business licensee may be subject to
109 disciplinary action under s. 482.161 for a violation of this
110 section or a rule adopted under this section committed by a
111 person who solicits pest control services or provides customer
112 service in a customer contact center operated by a licensee if
113 the licensee participates in the violation.

114 Section 9. Section 482.157, Florida Statutes, is created to
115 read:

116 482.157 Limited certification for commercial wildlife
117 management personnel.-

118 (1) The department shall establish a limited certificate
119 that authorizes a person who engages in the commercial trapping
120 of wildlife to use nonchemical methods, including traps,
121 mechanical or electronic devices, and exclusionary techniques to
122 control commensal rodents.

123 (2) The department shall issue a limited certificate to an
124 applicant who:

125 (a) Submits an application and examination fee of at least
126 \$150, but not more than \$300, as prescribed by the department by
127 rule;

128 (b) Passes an examination administered by the department.

129 The department shall provide the appropriate study materials for



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130 the examination and make the examination readily available to
131 applicants in each county as necessary, but not less frequently
132 than quarterly; and

133 (c) Provides proof, including a certificate of insurance,
134 that the applicant has met the minimum bodily injury and
135 property damage insurance requirements in s. 482.071(4).

136 (3) An application for recertification must be made
137 annually and be accompanied by a recertification fee of at least
138 \$75, but not more than \$150, as prescribed by the department by
139 rule. The application must also be accompanied by proof of
140 completion of the required 4 classroom hours of acceptable
141 continuing education and the required proof of insurance. After
142 a grace period not exceeding 30 calendar days after the
143 recertification renewal date, the department shall assess a late
144 fee of \$50 in addition to the renewal fee. A certificate
145 automatically expires 180 days after the recertification date if
146 the renewal fee has not been paid. After expiration, the
147 department shall issue a new certificate only if the applicant
148 successfully passes a reexamination and pays the examination fee
149 and late fee.

150 (4) Certification under this section does not authorize:

151 (a) The use of pesticides or chemical substances, other
152 than adhesive materials, to control rodents or other nuisance
153 wildlife in, on, or under structures;

154 (b) Operation of a pest control business; or

155 (c) Supervision of an uncertified person using nonchemical
156 methods to control rodents.

157 Section 10. Section 482.183, Florida Statutes, is amended
158 to read:



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159 482.183 Limitations.—

160 (1) (a) A person may not be charged with a violation of this
161 chapter or any rule adopted pursuant to this chapter more than 3
162 years after the date of the violation.

163 (b) ~~(2)~~ For the purpose of this subsection ~~section~~, a charge
164 of violation is considered to have been made upon the issuance
165 of a notice or citation by the department charging such
166 violation.

167 (2) A person licensed or certified under this chapter who
168 practices accepted pest control methods is immune from liability
169 under s. 828.12.

170 (3) This chapter does not exempt a person from the rules,
171 regulations, or orders of the Fish and Wildlife Conservation
172 Commission.

173 Section 11. Subsection (6) of section 482.226, Florida
174 Statutes, is amended to read:

175 482.226 Wood-destroying organism inspection report; notice
176 of inspection or treatment; financial responsibility.—

177 (6) Any licensee that performs wood-destroying organism
178 inspections in accordance with subsection (1) must meet minimum
179 financial responsibility in the form of errors and omissions
180 (professional liability) insurance coverage or bond in an amount
181 no less than \$500,000 ~~\$50,000~~ in the aggregate and \$250,000
182 ~~\$25,000~~ per occurrence, or demonstrate that the licensee has
183 equity or net worth of no less than \$500,000 ~~\$100,000~~ as
184 determined by generally accepted accounting principles
185 substantiated by a certified public accountant's review or
186 certified audit. The licensee must show proof of meeting this
187 requirement at the time of license application or renewal



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188 thereof.

189 Section 12. Subsection (6) of section 482.243, Florida
190 Statutes, is amended to read:

191 482.243 Pest Control Enforcement Advisory Council.—

192 (6) The meetings, powers and duties, procedures, and
193 ~~recordkeeping, and reimbursement of expenses of members~~ of the
194 council shall be in accordance with the provisions of s.
195 570.0705 relating to advisory committees established within the
196 department.

197 Section 13. Paragraph (a) of subsection (1) of section
198 487.041, Florida Statutes, is amended, and paragraphs (h), (i),
199 and (j) are added to that subsection, to read:

200 487.041 Registration.—

201 (1) (a) Effective January 1, 2009, each brand of pesticide,
202 as defined in s. 487.021, which is distributed, sold, or offered
203 for sale, except as provided in this section, within this state
204 or delivered for transportation or transported in intrastate
205 commerce or between points within this state through any point
206 outside this state must be registered in the office of the
207 department, and such registration shall be renewed biennially.
208 Emergency exemptions from registration may be authorized in
209 accordance with the rules of the department. The registrant
210 shall file with the department a statement including:

211 1. The name, business mailing address, and street address
212 of the registrant.

213 2. The name of the brand of pesticide.

214 3. An ingredient statement and a complete current copy of
215 the labeling accompanying the brand of ~~the~~ pesticide, which must
216 conform to the registration, and a statement of all claims to be



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217 made for it, including directions for use and a guaranteed
218 analysis showing the names and percentages by weight of each
219 active ingredient, the total percentage of inert ingredients,
220 and the names and percentages by weight of each "added
221 ingredient."

222 (h) All registration fees, including supplemental fees and
223 late fees, are nonrefundable.

224 (i) For any currently registered pesticide product brand
225 that undergoes labeling revisions during the registration
226 period, the registrant shall submit to the department a copy of
227 the revised labeling along with a cover letter detailing such
228 revisions before the sale or distribution in this state of the
229 product brand with the revised labeling. If the labeling
230 revisions require notification of an amendment review by the
231 United States Environmental Protection Agency, the registrant
232 shall submit an additional copy of the labeling marked to
233 identify those revisions.

234 (j) Effective January 1, 2013, all payments of any
235 pesticide registration fees, including supplemental fees and
236 late fees, shall be submitted electronically using the
237 department's Internet website for registration of pesticide
238 product brands.

239
240 ===== T I T L E A M E N D M E N T =====

241 And the title is amended as follows:

242 Delete lines 21 - 59

243 and insert:

244 482.051, F.S.; providing additional methods for pest
245 control licensees to give certain emergency notice to



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246 the Department of Agriculture and Consumer Services
247 before performing general fumigation; amending s.
248 482.071, F.S.; revising the minimum bodily injury and
249 property damage insurance coverage required for pest
250 control businesses; creating s. 482.072, F.S.;
251 providing for licensure by the department of pest
252 control customer contact centers; providing
253 application requirements; providing for fees,
254 licensure renewal, licensure expiration, transfer of
255 licenses, and penalties; creating s. 482.157, F.S.;
256 providing for limited certification of commercial
257 wildlife trappers; providing requirements for
258 certification, examination, and fees; limiting the
259 scope of work permitted by certificateholders;
260 amending s. 482.183, F.S.; providing that licensees
261 and certificateholders who practice accepted pest
262 control methods are immune from liability for
263 violating laws prohibiting cruelty to animals;
264 providing for applicability; amending s. 482.226,
265 F.S.; revising the minimum financial responsibility
266 requirements for licensees that perform wood-
267 destroying organism inspections; amending s. 482.243,
268 F.S.; deleting provisions relating to the
269 reimbursement of members of the Pest Control
270 Enforcement Advisory Council for expenses; amending s.
271 487.041, F.S.; providing that registration,
272 supplemental, and late fees related to the
273 registration of pesticide brands with the department
274 are nonrefundable; providing requirements for label



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275 revisions of pesticide brands; providing requirements
276 for label revisions that must be reviewed by the
277 United States Environmental Protection Agency;
278 requiring payments of pesticide registration fees to
279 be submitted electronically by a date certain;
280 amending s. 487.0615,