

HB 949

2011

1 A bill to be entitled
2 An act relating to pest control; amending s. 482.051,
3 F.S.; providing rule changes that allow operators to
4 provide certain emergency notice to the Department of
5 Agriculture and Consumer Services by facsimile or
6 electronic means; amending s. 482.071, F.S.; increasing
7 the minimum bodily injury and property damage insurance
8 coverage required for pest control businesses; creating s.
9 482.072, F.S.; providing for licensure by the department
10 of pest control customer contact centers; providing
11 application requirements; providing for fees, licensure
12 renewal, penalties, licensure expiration, and transfer of
13 licenses; creating s. 482.157, F.S.; providing for the
14 certification of commercial wildlife trappers; providing
15 certification requirements, examination requirements, and
16 fees; limiting the scope of work permitted by certificate
17 holders; clarifying that licensees and certificateholders
18 who practice accepted pest control methods are immune from
19 liability for violating laws prohibiting cruelty to
20 animals; amending s. 482.226, F.S.; increasing the minimum
21 financial responsibility requirements for licensees that
22 perform certain inspections; providing an effective date.

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

25
26 Section 1. Subsection (4) of section 482.051, Florida
27 Statutes, is amended to read:

28 482.051 Rules.—The department has authority to adopt rules

HB 949

2011

29 | pursuant to ss. 120.536(1) and 120.54 to implement the
 30 | provisions of this chapter. Prior to proposing the adoption of a
 31 | rule, the department shall counsel with members of the pest
 32 | control industry concerning the proposed rule. The department
 33 | shall adopt rules for the protection of the health, safety, and
 34 | welfare of pest control employees and the general public which
 35 | require:

36 | (4) That a licensee, before performing general fumigation,
 37 | notify in writing the department inspector having jurisdiction
 38 | over the location where the fumigation is to be performed, which
 39 | notice must be received by the department inspector at least 24
 40 | hours in advance of the fumigation and must contain such
 41 | information as the department requires. However, in an authentic
 42 | and verifiable emergency, when 24 hours' advance notification is
 43 | not possible, advance telephone, facsimile, or any other form of
 44 | acceptable electronic communication ~~or telegraph~~ notice may be
 45 | given; but such notice must be immediately followed by written
 46 | confirmation providing the required information.

47 | Section 2. Subsection (4) of section 482.071, Florida
 48 | Statutes, is amended to read:

49 | 482.071 Licenses.—

50 | (4) A licensee may not operate a pest control business
 51 | without carrying the required insurance coverage. Each person
 52 | making application for a pest control business license or
 53 | renewal thereof must furnish to the department a certificate of
 54 | insurance that meets the requirements for minimum financial
 55 | responsibility for bodily injury and property damage consisting
 56 | of:

HB 949

2011

57 (a) Bodily injury: \$250,000 ~~\$100,000~~ each person and
58 \$500,000 ~~\$300,000~~ each occurrence; and property damage: \$250,000
59 ~~\$50,000~~ each occurrence and \$500,000 ~~\$100,000~~ in the aggregate;
60 or

61 (b) Combined single-limit coverage: \$400,000 in the
62 aggregate.

63 Section 3. Section 482.072, Florida Statutes, is created
64 to read:

65 482.072 Pest control customer contact centers.-

66 (1) The department may issue a license to operate a
67 customer contact center from which to solicit pest control
68 business or provide services to customers for one or more
69 business locations licensed under s. 482.071. A person may not
70 operate a customer contact center for a pest control business
71 which is not licensed by the department.

72 (2) (a) Before operating a customer contact center, and
73 biennially thereafter, on or before a renewal date set by the
74 department, a pest control business must apply to the department
75 for a license or license renewal for each customer contact
76 center location it operates. An application must be submitted in
77 the format prescribed by the department.

78 (b) The department shall establish a licensure fee of at
79 least \$600, but not more than \$1,000, and a renewal fee of at
80 least \$600, but not more than \$1,000, for a customer contact
81 center license. However, until renewal fee rules are adopted,
82 the initial license and renewal fees are each \$600. The
83 department shall establish a grace period, not to exceed 30 days
84 after the renewal date, and shall assess a late fee of \$150, in

HB 949

2011

85 addition to the renewal fee, for a license that is renewed after
86 the grace period.

87 (c) A license automatically expires if it is not renewed
88 within 60 days after the renewal date and may be reinstated only
89 upon reapplication and payment of the license renewal fee and
90 late fee.

91 (d) A license automatically expires if a licensee changes
92 its customer contact center business location. The department
93 shall issue a new license upon payment of a \$250 fee, which must
94 be renewed by the renewal date for the former location's
95 license. A new license that is not renewed within 60 days after
96 the renewal date of the license for the former business location
97 automatically expires.

98 (e) The department may not issue or renew a license to
99 operate a customer contact center unless the pest control
100 business for which it solicits business is owned in common by a
101 person or business entity recognized by this state.

102 (f) The department may deny a license or refuse to renew a
103 license if the applicant or licensee, or one or more of the
104 applicant's or licensee's directors, officers, owners, or
105 general partners, are or have been directors, officers, owners,
106 or general partners of a pest control business that meets the
107 conditions in s. 482.071(2)(g).

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

HB 949

2011

113 such work.

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

116 (3)(a) The department shall adopt rules establishing
117 requirements and procedures for recordkeeping and monitoring
118 customer contact center operations to ensure compliance with
119 this chapter and rules adopted hereunder.

120 (b) Notwithstanding any other provision of this chapter:

121 1. A customer contact center licensee is subject to
122 disciplinary action under s. 482.161 for a violation of this
123 chapter or a rule adopted hereunder committed by a person who
124 solicits pest control services or provides customer service in a
125 customer contact center.

126 2. A pest control business licensee may be subject to
127 disciplinary action under s. 482.161 for a violation committed
128 by a person who solicits pest control services or provides
129 customer service in a customer contact center operated by the
130 licensee if the licensee participates in the violation.

131 Section 4. Section 482.157, Florida Statutes, is created
132 to read:

133 482.157 Limited certification for commercial wildlife
134 management personnel.—

135 (1) The department shall establish a limited certificate
136 authorizing individual commercial wildlife trapper personnel to
137 use nonchemical methods, including traps, glue boards,
138 mechanical or electronic devices, or exclusionary techniques to
139 control rodents.

140 (2) The department shall issue a limited certificate to an

141 applicant who:

142 (a) Submits an application and examination fee, set by
 143 departmental rule, of not more than \$300 or less than \$150. The
 144 department shall provide examination reference materials and
 145 offer the examination at least quarterly or as necessary in each
 146 county;

147 (b) Passes the departmental examination; and

148 (c) Provides proof, including a certificate of insurance,
 149 showing that the applicant has met the minimum financial bodily
 150 injury and property damage requirements in s. 482.071(4).

151 (3) An application for recertification must be made
 152 annually and be accompanied by a recertification fee of not more
 153 than \$150 or less than \$75, as established by rule. The
 154 application also must be accompanied by proof of completion of
 155 the required 4 classroom hours of acceptable continuing
 156 education and the required proof of insurance. After a grace
 157 period not exceeding 30 days after the recertification renewal
 158 date, a late fee of \$50 shall be assessed in addition to the
 159 renewal fee. A certificate automatically expires 180 days after
 160 the recertification date if the renewal fee has not been paid.
 161 After expiration, a new certificate shall be issued only upon
 162 successful reexamination and payment of the examination and late
 163 fees.

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

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

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

169 (c) Supervision of a certified person.
 170 (5) Persons licensed under this chapter who practice
 171 accepted pest control methods are immune from liability under s.
 172 828.12.

173 Section 5. 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 \$250,000 ~~\$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
 188 thereof.

189 Section 6. This act shall take effect July 1, 2011.