

CS/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, and licensure expiration; creating s.
13 482.157, F.S.; providing for the certification of
14 commercial wildlife trappers; providing certification
15 requirements, examination requirements, and fees; limiting
16 the scope of work permitted by certificateholders;
17 clarifying that licensees and certificateholders who
18 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.

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

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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

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:

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

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 licensees for which the customer contact center
101 solicits business are owned in common by a person or business
102 entity recognized by this state.

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

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

113 executes a pest control contract, or accepts remuneration for
 114 such work.

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

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

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

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

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

133 Section 4. Section 482.157, Florida Statutes, is created
 134 to read:

135 482.157 Limited certification for commercial wildlife
 136 management personnel.—

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

141 control rodents.

142 (2) The department shall issue a limited certificate to an
 143 applicant who:

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

149 (b) Passes the departmental examination; and

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

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

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

167 (a) The use of pesticides or chemical substances, other
 168 than adhesive materials, to control rodents or other nuisance

169 wildlife in, on, or under structures;

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

171 (c) Supervision of an uncertified person using nonchemical
 172 methods to control rodents.

173 (5) A person licensed under this chapter who practices
 174 accepted pest control methods is immune from liability under s.
 175 828.12.

176 Section 5. Subsection (6) of section 482.226, Florida
 177 Statutes, is amended to read:

178 482.226 Wood-destroying organism inspection report; notice
 179 of inspection or treatment; financial responsibility.—

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

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