

CS/CS/HB 949

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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; providing construction; amending s. 482.226,
21 F.S.; increasing the minimum financial responsibility
22 requirements for licensees that perform certain
23 inspections; providing an effective date.

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

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

29 482.051 Rules.—The department has authority to adopt rules
 30 pursuant to ss. 120.536(1) and 120.54 to implement the
 31 provisions of this chapter. Prior to proposing the adoption of a
 32 rule, the department shall counsel with members of the pest
 33 control industry concerning the proposed rule. The department
 34 shall adopt rules for the protection of the health, safety, and
 35 welfare of pest control employees and the general public which
 36 require:

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

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

50 482.071 Licenses.—

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

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57 of:

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

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

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

66 482.072 Pest control customer contact centers.-

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

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

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

85 after the renewal date and shall assess a late fee of \$150, in
86 addition to the renewal fee, for a license that is renewed after
87 the grace period.

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

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

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

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

110 (g) Sections 482.091 and 482.152 do not apply to a person
111 who solicits pest control services or provides customer service
112 in a licensed customer contact center unless the person performs

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113 the pest control work as defined in s. 482.021(22) (a)-(d),
114 executes a pest control contract, or accepts remuneration for
115 such work.

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

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

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

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

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

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

136 482.157 Limited certification for commercial wildlife
137 management personnel.-

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

141 electronic devices, and exclusionary techniques, to control
142 commensal rodents.

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

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

150 (b) Passes the departmental examination; and

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

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

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

168 (a) The use of pesticides or chemical substances, other

169 than adhesive materials, to control rodents or other nuisance
 170 wildlife in, on, or under structures;

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

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

174 (5) A person licensed under this chapter who practices
 175 accepted pest control methods is immune from liability under s.
 176 828.12.

177 (6) This chapter does not exempt a person from the rules,
 178 regulations, or orders of the Fish and Wildlife Conservation
 179 Commission.

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

182 482.226 Wood-destroying organism inspection report; notice
 183 of inspection or treatment; financial responsibility.-

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

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