

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 amending s. 482.183, F.S.; providing that licensees and  
18 certificateholders who practice accepted pest control  
19 methods are immune from liability for violating laws  
20 prohibiting cruelty to animals; providing construction;  
21 amending s. 482.226, F.S.; increasing the minimum  
22 financial responsibility requirements for licensees that  
23 perform certain 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, <sup>†</sup> 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

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 Section 5. Section 482.183, Florida Statutes, is amended  
 175 to read:

176 482.183 Limitations.—

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

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

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

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

190 Section 6. Subsection (6) of section 482.226, Florida  
 191 Statutes, is amended to read:

192 482.226 Wood-destroying organism inspection report; notice  
 193 of inspection or treatment; financial responsibility.—

194 (6) Any licensee that performs wood-destroying organism  
 195 inspections in accordance with subsection (1) must meet minimum  
 196 financial responsibility in the form of errors and omissions

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197 (professional liability) insurance coverage or bond in an amount  
198 no less than \$500,000 ~~\$50,000~~ in the aggregate and \$250,000  
199 ~~\$25,000~~ per occurrence, or demonstrate that the licensee has  
200 equity or net worth of no less than \$500,000 ~~\$100,000~~ as  
201 determined by generally accepted accounting principles  
202 substantiated by a certified public accountant's review or  
203 certified audit. The licensee must show proof of meeting this  
204 requirement at the time of license application or renewal  
205 thereof.

206 Section 7. This act shall take effect July 1, 2011.