

1 A bill to be entitled
 2 An act relating to fumigation; amending s. 482.051,
 3 F.S.; revising general fumigation notification
 4 requirements; authorizing the Department of
 5 Agriculture and Consumer Services to adopt safety
 6 procedures for the clearance of residential structures
 7 before reoccupation after fumigation; amending s.
 8 487.051, F.S.; authorizing the department to establish
 9 certain conditions for the registration or continued
 10 registration of fumigants; providing an effective
 11 date.

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

14
 15 Section 1. Section 482.051, Florida Statutes, is amended
 16 to read:

17 482.051 Rules.—The department may ~~has authority to~~ adopt
 18 rules ~~pursuant to ss. 120.536(1) and 120.54~~ to implement the
 19 provisions of this chapter. Before ~~Prior to~~ proposing the
 20 adoption of a rule, the department shall counsel with members of
 21 the pest control industry concerning the proposed rule. The
 22 department shall adopt rules for the protection of the health,
 23 safety, and welfare of pest control employees and the general
 24 public which require:

25 (1) That all pesticides or economic poisons be used only
 26 in accordance with the registered labels and labeling or as

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27 | directed by the United States Environmental Protection Agency or
28 | the department.

29 | (2) That vehicles and trailers used in pest control be
30 | permanently marked with the licensee's name that is registered
31 | with the department. However, vehicles that are used to perform
32 | only sales and solicitation may have temporary or removable
33 | markers.

34 | (3) That written contracts be required for providing
35 | termites and other wood-destroying organisms pest control, that
36 | provisions necessary to assure consumer protection as specified
37 | by the department be included in such contracts, and that
38 | require licensees to comply with the contracts issued.

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

53 (5) That any pesticide used as the primary preventive
54 treatment for subterranean termites in new construction be
55 applied in the amount, concentration, and treatment area in
56 accordance with the label; that a copy of the label of the
57 registered pesticide being applied be carried in a vehicle at
58 the site where the pesticide is being applied; and that the
59 licensee maintain for 3 years the record of each preconstruction
60 treatment, indicating the date of treatment, the location or
61 address of the property treated, the total square footage of the
62 structure treated, the type of pesticide applied, the
63 concentration of each substance in the mixture applied, and the
64 total amount of pesticide applied.

65 (6) That the department may issue an immediate stop-use or
66 stop-work order for fumigation performed in violation of
67 fumigant label requirements or department rules, or in a manner
68 that presents an immediate serious danger to the health, safety,
69 or welfare of the public, including, but not limited to, failure
70 to use required personal protective equipment, failure to use a
71 required warning agent, failure to post required warning signs,
72 failure to secure a structure's usual entrances as required, or
73 using a fumigant in a manner that will likely result in
74 hazardous exposure to humans, animals, or the environment.

75 (7) That the department may require safety procedures for
76 the clearance of residential structures before reoccupation
77 after fumigation.

78 Section 2. Paragraph (f) is added to subsection (1) of

79 | section 487.051, Florida Statutes, to read:

80 | 487.051 Administration; rules; procedure.—

81 | (1) The department may by rule:

82 | (f) Establish conditions for the registration or continued
 83 | registration of fumigants, including:

84 | 1. Requiring registrants to train distributors and end
 85 | users in safety measures, proper use, safe storage, and the
 86 | management of fumigant materials;

87 | 2. Obtaining continuing education program approval for
 88 | stewardship training programs;

89 | 3. Conducting quality assurance reviews;

90 | 4. Reporting to the department probation and stop-sale
 91 | notifications issued to end users. The department shall notify
 92 | other sulfuryl fluoride registrants of the reported probation or
 93 | stop-sale notice; and

94 | 5. Assisting the department upon its request with the
 95 | removal of fumigant containers from distributors and end users
 96 | for compliance with permanent or extended stop-sales.

97 | Section 3. This act shall take effect July 1, 2016.