

Committee Substitute for Senate Bill No. 1232

An act relating to the practice of pest control; amending s. 482.051, F.S.; providing for temporary markers for vehicles; amending s. 482.091, F.S.; providing certain restrictions on the issuance of employee identification cards; amending s. 482.155, F.S.; providing that a limited certification does not authorize fumigation of a structure; amending s. 482.156, F.S.; providing a fee for the late renewal of certification for commercial landscape maintenance personnel; providing for automatic expiration of such certification following failure to obtain recertification; amending s. 482.161, F.S.; authorizing the Department of Agriculture and Consumer Services to take disciplinary action against a licensee or other person who impersonates a department employee; amending s. 482.165, F.S.; authorizing the department to impose an additional fine for the unlicensed practice of pest control; providing an exception; providing an effective date.

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

Section 1. Subsection (2) of section 482.051, Florida Statutes, is amended to read:

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

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

Section 2. Subsections (7) and (10) of section 482.091, Florida Statutes, are amended to read:

482.091 Employee identification cards.—

(7) A person may not be issued, or may not hold, an identification card for more than one licensee at any one time, except a certified operator for the express and sole purpose of, and period for, obtaining experience to qualify for examination in a category for which such person is not certified and seeks certification. The period of time for which a second card may be issued may not exceed 1 year from the date of issuance, except in the category of fumigation for which a card may be issued for 2 years.

(10) In addition to the training required by subsection (3), each identification cardholder must receive 4 hours of classroom training in pesticide safety, integrated pest management, and applicable federal and state laws

and rules within 6 months after issuance of the card or must have received such training within 2 years before issuance of the card. Each cardholder must receive at least 2 hours of continuing training in pesticide safety, integrated pest management, and applicable federal and state laws and rules by the renewal date of the card. Certified operators and special identification cardholders for fumigation who maintain their certificates in good standing are exempt from this subsection. The department shall adopt rules regarding verification of such training.

Section 3. Subsection (5) is added to section 482.155, Florida Statutes, to read:

482.155 Limited certification for governmental pesticide applicators or private applicators.—

(5) A limited certification granted under this section does not authorize the performance of fumigation of a structure.

Section 4. Subsection (3) of section 482.156, Florida Statutes, is amended to read:

482.156 Limited certification for commercial landscape maintenance personnel.—

(3) An application for recertification under this section must be made annually and be accompanied by a recertification fee set by the department, in an amount of not more than \$75 or less than \$25; however, until a rule setting this fee is adopted by the department, the fee for recertification is \$25. The application must also be accompanied by proof of having completed 4 classroom hours of acceptable continuing education and the same proof of having a certificate of insurance as is required for initial certification. After a grace period not exceeding 30 calendar days following the annual date that recertification is due, a late renewal charge of \$50 shall be assessed and must be paid in addition to the renewal fee. Unless timely recertified, a certificate automatically expires 180 calendar days after the anniversary recertification date. Subsequent to such expiration, a certificate may be issued only upon successful reexamination and upon payment of the examination fees due.

Section 5. Paragraph (j) is added to subsection (1) of section 482.161, Florida Statutes, to read:

482.161 Disciplinary grounds and actions; reinstatement.—

(1) The department may issue a written warning to or impose a fine against, or deny the application for licensure or licensure renewal of, a licensee, certified operator, limited certificateholder, identification cardholder, or special identification cardholder or any other person, or may suspend, revoke, or deny the issuance or renewal of any license, certificate, limited certificate, identification card, or special identification card that is within the scope of this chapter, in accordance with chapter 120, upon any of the following grounds:

(j) Impersonation of a department employee.

Section 6. Section 482.165, Florida Statutes, is amended to read:

482.165 Unlicensed practice of pest control; cease and desist order; injunction; civil suit and penalty.—

(1) It is unlawful for a person, partnership, firm, corporation, or other business entity not licensed by the department to practice pest control.

(2) If the department has probable cause to believe that a person, partnership, firm, corporation, or other business entity not licensed by the department to practice pest control has violated any provision of this chapter, the department shall issue and deliver to that person, partnership, firm, corporation, or other business entity a notice to cease and desist from such violation. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person, partnership, firm, corporation, or other business entity that violates any provision of the order.

(3) In addition to or in lieu of any remedy provided under subsection (2), the department may institute a civil suit in circuit court to recover a civil penalty for any violation for which the department may issue a notice to cease and desist under subsection (2). The civil penalty may not be less than \$500 or more than \$5,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney's fees.

(4) The violation or disregard of a cease and desist order issued for the purpose of terminating unlicensed pest control activities is a ground for denial of a license or certificate when applied for.

(5) In addition to or in lieu of any remedy provided under subsections (2) and (3), the department may, even in the case of a first offense, impose a fine not less than twice the cost of a pest control business license, but not more than \$5,000, upon a determination by the department that a person is in violation of subsection (1). For the purposes of this subsection, the lapse of a previously issued license for a period of less than 1 year shall not be considered a violation.

Section 7. This act shall take effect July 1, 2003.

Approved by the Governor May 23, 2003.

Filed in Office Secretary of State May 23, 2003.