

## CHAPTER 2016-143

### House Bill No. 1205

An act relating to fumigation; amending s. 482.051, F.S.; revising general fumigation notification requirements; authorizing the Department of Agriculture and Consumer Services to adopt safety procedures for the clearance of residential structures before reoccupation after fumigation; amending s. 487.051, F.S.; authorizing the department to establish certain conditions for the registration or reregistration of fumigants; providing an effective date.

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

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

482.051 Rules.—The department may ~~has authority to~~ adopt rules pursuant to ~~ss. 120.536(1) and 120.54~~ to implement the provisions of this chapter. Before ~~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:

(1) That all pesticides or economic poisons be used only in accordance with the registered labels and labeling or as directed by the United States Environmental Protection Agency or the department.

(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.

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

(4) That a licensee, before performing general fumigation, notify in writing the department of ~~inspector having jurisdiction over~~ the location where the fumigation is to be performed, which notice must be received by the department ~~inspector~~ at least 24 hours before the fumigation and must contain such information as the department requires. The department may specify circumstances under which notification of less than 24 hours is allowed and what notice is required in those circumstances. ~~However, in an authentic and verifiable emergency, when 24 hours' advance notice is not possible, advance notice may be given by telephone, facsimile, or any other form of acceptable electronic communication, but such notice must be~~

~~immediately followed by written confirmation providing the required information.~~

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

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

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

Section 2. Paragraph (f) is added to subsection (1) of section 487.051, Florida Statutes, to read:

487.051 Administration; rules; procedure.—

(1) The department may by rule:

(f) Establish conditions of registration or reregistration for structural fumigants which include requirements that registrants:

1. Train distributors and end users in safety measures and in proper use, safe storage, and management of fumigant materials.

2. Obtain continuing education program approval for stewardship training programs.

3. Conduct quality assurance reviews.

4. Report to the department any probation or stop-sale notice issued to end users. Under such circumstances, the department shall notify all other structural fumigant registrants of the reported probation or stop-sale notice.

5. Assist the department, upon request, with the removal of fumigant containers from distributors and end users for compliance with permanent or extended stop-sale notices.

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

Approved by the Governor March 25, 2016.

Filed in Office Secretary of State March 25, 2016.