

By the Committee on Agriculture; and Senator Dean

575-02801-11

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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.;  
7           increasing the minimum bodily injury and property  
8           damage insurance coverage required for pest control  
9           businesses; creating s. 482.072, F.S.; providing for  
10          licensure by the department of pest control customer  
11          contact centers; providing application requirements;  
12          providing for fees, licensure renewal, penalties,  
13          licensure expiration, and transfer of licenses;  
14          creating s. 482.157, F.S.; providing for the  
15          certification of commercial wildlife trappers;  
16          providing certification requirements, examination  
17          requirements, and fees; limiting the scope of work  
18          permitted by certificate holders; clarifying that  
19          licensees and certificateholders who practice accepted  
20          pest control methods are immune from liability for  
21          violating laws prohibiting cruelty to animals;  
22          amending s. 482.226, F.S.; increasing the minimum  
23          financial responsibility requirements for licensees  
24          that perform certain inspections; providing an  
25          effective date.

26  
27   Be It Enacted by the Legislature of the State of Florida:

28  
29          Section 1. Subsection (4) of section 482.051, Florida

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30 Statutes, is amended to read:

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

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

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

52       482.071 Licenses.—

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

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59 of:

60 (a) Bodily injury: \$250,000 ~~\$100,000~~ each person and  
61 \$500,000 ~~\$300,000~~ each occurrence; and property damage: \$250,000  
62 ~~\$50,000~~ each occurrence and \$500,000 ~~\$100,000~~ in the aggregate;  
63 or

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

66 Section 3. Section 482.072, Florida Statutes, is created to  
67 read:

68 482.072 Pest control customer contact centers.-

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

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

81 (b) The department shall establish a licensure fee of at  
82 least \$600, but not more than \$1,000, and a renewal fee of at  
83 least \$600, but not more than \$1,000, for a customer contact  
84 center license. However, until renewal fee rules are adopted,  
85 the initial license and renewal fees are each \$600. The  
86 department shall establish a grace period, not to exceed 30 days  
87 after the renewal date, and shall assess a late fee of \$150, in

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88 addition to the renewal fee, for a license that is renewed after  
89 the grace period.

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

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

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

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

111 (g) Sections 482.091 and 482.152 do not apply to a person  
112 who solicits pest control services or provides customer service  
113 in a licensed customer contact center unless the person performs  
114 the pest control work as defined in s. 482.021(22)(a)-(d),  
115 executes a pest control contract, or accepts remuneration for  
116 such work.

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

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

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

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

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

134 Section 4. Section 482.157, Florida Statutes, is created to  
135 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, glue boards,  
141 mechanical or electronic devices, or exclusionary techniques to  
142 control 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

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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 showing that the applicant has met the minimum financial bodily  
153 injury 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) Persons licensed under this chapter who practice

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175 accepted pest control methods are immune from liability under s.  
176 828.12.

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

179 482.226 Wood-destroying organism inspection report; notice  
180 of inspection or treatment; financial responsibility.—

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

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