A bill to be entitled

An act relating to pest control; amending s. 482.051, F.S.; making technical changes; authorizing the Department of Agriculture and Consumer Services to specify the circumstances when a written, 24-hour advance notice of fumigation to the department is not required; authorizing the department to determine the notice required in such circumstances; deleting a provision specifying that, under certain emergency situations, the required advance notice may be first given by certain specified communication methods; requiring the department to adopt rules that require certain safety measures for clearance of residential structures after fumigation; amending s. 487.051, F.S.; authorizing the department to establish certain conditions for fumigant registration or reregistration; 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 has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. Before proposing the adoption of a rule, the department must 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) Require 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) **Require** 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) **Require** that written contracts be **required** for providing **termites** and other wood-destroying **organisms** pest control, that provisions necessary to ensure consumer protection as specified by the department be included in such contracts, and that **require** licensees to comply with the contracts issued.

(4) **Require** 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 under what circumstances less than 24-hour notification 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) **Require** 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) Authorize That the department to 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) Require that safety measures be taken for clearance of
residential structures before reoccupation after a fumigation.
These measures may include, but are not limited to, extended
aeration times or specific clearance procedures.

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.