

By Senator Benacquisto

30-00950A-16

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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 ~~Prior to~~ proposing the
adoption of a rule, the department must ~~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) Require that all pesticides or economic poisons be used
only in accordance with the registered labels and labeling, or

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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 used ~~required~~ for providing termite ~~termites~~ and other wood-destroying organism ~~organisms~~ pest control, that provisions necessary to ensure ~~assure~~ 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

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62 construction be applied in the amount, concentration, and
63 treatment area in accordance with the label; that a copy of the
64 label of the registered pesticide being applied be carried in a
65 vehicle at the site where the pesticide is being applied; and
66 that the licensee maintain for 3 years the record of each
67 preconstruction treatment, indicating the date of treatment, the
68 location or address of the property treated, the total square
69 footage of the structure treated, the type of pesticide applied,
70 the concentration of each substance in the mixture applied, and
71 the total amount of pesticide applied.

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

83 (7) Require that safety measures be taken for clearance of
84 residential structures before reoccupation after a fumigation.
85 These measures may include, but are not limited to, extended
86 aeration times or specific clearance procedures.

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

89 487.051 Administration; rules; procedure.—

90 (1) The department may by rule:

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

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

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

99 3. Conduct quality assurance reviews.

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

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

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