

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2042

SPONSOR: Senator Bronson and Committee on Agriculture and Consumer Services

SUBJECT: Pest Control Operators

DATE: March 28, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Poole</u>	<u>AG</u>	<u>Favorable/CS</u>
2.	<u> </u>	<u> </u>	<u>AGG</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

I. Summary:

Between 33 and 50 percent of pre-construction termite prevention treatments observed by the Department of Agriculture and Consumer Services from 1997 to 1999 were not in compliance with existing laws. This bill revises pest control regulations in order to improve pre-construction home termite treatments. It provides the department with the authority to establish, by rule, a written authorization for pre-construction termite treatments for pest control licensees. This written authorization could be suspended or revoked separately from the business license granted under Chapter 482. This provision will significantly improve the ability of the department to enforce the requirements of this chapter for proper pre-treatments and thereby improve the protection of Florida’s citizens against improper and ineffective termite treatments. The bill establishes requirements for standardized training of pest control technicians and authorizes stop-work orders on structural fumigations. It also repeals an exemption which allows a yard worker to apply pesticides which have been supplied by the residential property owner to the owner’s lawn or ornamental plants.

This bill amends sections 482.021, 482.051, 482.091, 482.132, and 482.161, Florida Statutes.
 This bill creates section 482.0815, Florida Statutes.
 This bill repeals section 482.211(11), Florida Statutes.

II. Present Situation:

Chapter 482, F.S., Florida’s Structural Pest Control Act, authorizes the Department of Agriculture and Consumer Services (department) to regulate the pest control industry. The department establishes qualifications for pesticide applicators, approves applications for licenses of pest control applicators, and regulates the use of all pesticides.

Termites are a serious problem in Florida where the humidity is high and structures are built with wood-to-ground and wood-to-water contact. Termite treatment and damage costs \$500 million a year in Florida alone. Termites attack and damage any building material that contains cellulose, such as wood used in house and building construction, drywall covered with paper, or siding materials containing cellulose. Houses and other wood structures can be protected from termites only if they are constructed and maintained properly and a protective treatment is applied correctly.

In 1988, the federal government banned chlordane, which was used to treat the soil prior to finishing the foundation as an effective means of controlling termites and protecting the wood in a structure. This product was replaced with pesticides considered to be safer for the environment and human health. However, these characteristics also made the products less effective for termite protection. While chlordane generally lasted more than 30 years, currently available materials last only five to 15 years, and require more precise application. Houses and condominiums built since 1988 have had a high incidence of termiticide failures.

Currently, between 33 and 50 percent of pre-construction termite prevention treatments observed by the department from 1997 to 1999 were not in compliance with existing laws. The department has been working with county building code inspectors, home builder associations, and pest control associations to develop cooperative working relationships that will result in improved pre-construction home termite treatments. The department has also developed educational brochures to inform the public about proper pest control and their rights under existing law.

III. Effect of Proposed Changes:

Section 1. Amends s. 482.021, F.S., to define “new construction” as the erection of a new building or the construction of an addition to an existing building, which encloses a space and requires a building permit under applicable building codes.

Section 2. Amends s. 482.051, F.S., to authorize the Department of Agriculture and Consumer Services (department) to 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.

Section 3. Creates s. 482.0815, F.S., to require licensees to hold a permit in order to perform preventive termite treatments for new construction. Provides for renewal of the permit. Provides for a 120-day probationary period if a licensee is found in violation of s. 482.051(5) or certain specified rules. Provides for a 30-day to 90-day suspension of a licensee’s permit if:

- A licensee whose permit is on probationary status violates s. 482.051(5) or certain specified rules;
- A licensee violates s. 482.051(3) or a rule with respect to three contracts within two years and the violation is failure to comply with contractual obligations to re-treat a wood-destroying-organism infestation or to repair damage caused by wood-destroying organisms when required by the contract;

- A licensee fails to maintain accurate records of all pesticides purchased and used, the total amount of the area treated using soil applied termiticides, and the total number of sites treated; and
- A licensee violates the record keeping requirements of s. 482.051(5) three or more times within two years.

Authorizes a suspended permit to be reinstated after the period of suspension if the licensee's license is in good standing. Prohibits the department to issue a permit or renew the permit if a business has gone out of business or been sold within five years immediately preceding the date of application or renewal and failed to reimburse the prorated renewal fee of any customer's remaining wood-destroying-organism contract or failed to provide for another licensed pest control operator to assume contract responsibility. Requires a licensee to conspicuously display its current permit at all business locations, each of which must have a separate permit. Requires a licensee to maintain accurate records of all pesticides purchased and used, the total amount of the area treated using soil applied termiticides, and the total number of sites treated. Authorizes the department to suspend the license of any licensee who performs preventive termite treatments for new construction while its permit is suspended or revoked. Authorizes the department to adopt rules necessary to administer this section.

Section 4. Amends s. 482.091, F.S., to require each employee identification cardholder to receive four hours of specified classroom training. Authorizes the department to adopt rules regarding verification of such training.

Section 5. Amends s. 482.132, F.S., to provide alternative educational requirements for pest control operator's certificate applicants. Accepts the successful completion of a 1-year entomology program at a public university in Florida which specializes in urban pest management and includes practical pest management experience.

Section 6. Amends s. 482.161, F.S., to limit the application of sanctions for violations by a licensee with multiple business locations to the business location from which the violation is alleged to have occurred.

Section 7. Repeals section 482.211(11), F.S., which allows a yard worker to apply pesticides which have been supplied by the residential property owner to the owner's lawn or ornamental plants.

Section 8. Provides that this act shall take effect July 1, 2001.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Each pesticide applicator/ID cardholder will be responsible for the cost of obtaining a minimum of four hours of initial training and two additional hours of continuing education.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
