

By the Committees on Budget Subcommittee on General Government Appropriations; Environmental Preservation and Conservation; and Agriculture; and Senator Dean

601-04506-11

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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 for rule changes that allow operators
4 to provide certain emergency notice to the Department
5 of 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 certificateholders; 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, mechanical or
141 electronic devices, or exclusionary techniques to control
142 commensal 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) A person licensed or certified under this chapter who

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

177 (6) This chapter does not exempt a person from the rules,
178 regulations, or orders of the Fish and Wildlife Conservation
179 Commission.

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

182 482.226 Wood-destroying organism inspection report; notice
183 of inspection or treatment; financial responsibility.-

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

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