



ENROLLED

HB 1205, Engrossed 1

2016 Legislature

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An act relating to fumigation; amending s. 482.051, F.S.; revising general fumigation notification requirements; authorizing the Department of Agriculture and Consumer Services to adopt safety procedures for the clearance of residential structures before reoccupation after fumigation; amending s. 487.051, F.S.; authorizing the department to establish certain conditions for the registration or reregistration of fumigants; 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 may ~~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 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) That all pesticides or economic poisons be used only in accordance with the registered labels and labeling or as



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27 | directed by the United States Environmental Protection Agency or  
28 | the department.

29 |         (2) That vehicles and trailers used in pest control be  
30 | permanently marked with the licensee's name that is registered  
31 | with the department. However, vehicles that are used to perform  
32 | only sales and solicitation may have temporary or removable  
33 | markers.

34 |         (3) That written contracts be required for providing  
35 | termites and other wood-destroying organisms pest control, that  
36 | provisions necessary to assure consumer protection as specified  
37 | by the department be included in such contracts, and that  
38 | require licensees to comply with the contracts issued.

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



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53 (5) That any pesticide used as the primary preventive  
54 treatment for subterranean termites in new construction be  
55 applied in the amount, concentration, and treatment area in  
56 accordance with the label; that a copy of the label of the  
57 registered pesticide being applied be carried in a vehicle at  
58 the site where the pesticide is being applied; and that the  
59 licensee maintain for 3 years the record of each preconstruction  
60 treatment, indicating the date of treatment, the location or  
61 address of the property treated, the total square footage of the  
62 structure treated, the type of pesticide applied, the  
63 concentration of each substance in the mixture applied, and the  
64 total amount of pesticide applied.

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

75 (7) That the department may require safety procedures for  
76 the clearance of residential structures before reoccupation  
77 after fumigation.

78 Section 2. Paragraph (f) is added to subsection (1) of



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79 section 487.051, Florida Statutes, to read:  
80 487.051 Administration; rules; procedure.—  
81 (1) The department may by rule:  
82 (f) Establish conditions of registration or reregistration  
83 for structural fumigants which include requirements that  
84 registrants:  
85 1. Train distributors and end users in safety measures and  
86 in proper use, safe storage, and management of fumigant  
87 materials.  
88 2. Obtain continuing education program approval for  
89 stewardship training programs.  
90 3. Conduct quality assurance reviews.  
91 4. Report to the department any probation or stop-sale  
92 notice issued to end users. Under such circumstances, the  
93 department shall notify all other structural fumigant  
94 registrants of the reported probation or stop-sale notice.  
95 5. Assist the department, upon request, with the removal  
96 of fumigant containers from distributors and end users for  
97 compliance with permanent or extended stop-sale notices.  
98 Section 3. This act shall take effect July 1, 2016.