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197 submit fingerprints administered by the Division of
 198 Licensing; repealing ss. 570.071 and 570.901, F.S.,
 199 relating to the Florida Agricultural Exposition and the
 200 Florida Agricultural Museum; providing an effective date.
 201

202 Be It Enacted by the Legislature of the State of Florida:
 203

204 Section 1. Subsections (5) and (7) of section 482.021,
 205 Florida Statutes, are amended to read:

206 482.021 Definitions.--For the purposes of this chapter,
 207 and unless otherwise required by the context, the term:

208 (5) "Certified operator in charge" means a certified
 209 operator:

210 (a) Whose primary occupation is the pest control business;

211 (b) Who is employed full time by a licensee; and

212 (c) Whose principal duty is the ~~personal~~ supervision of
 213 the licensee's operation in a category or categories of pest
 214 control in which the operator is certified.

215 (7) "Employee" means a person who is employed by a
 216 licensee that provides that person with necessary training,
 217 supervision, pesticides, equipment, and insurance and who
 218 receives compensation from and is under the ~~personal~~ supervision
 219 ~~and direct control~~ of the licensee's certified operator in
 220 charge and from whose compensation the licensee regularly
 221 deducts and matches federal insurance contributions and federal
 222 income and Social Security taxes.

223 Section 2. Subsection (3) of section 482.051, Florida
 224 Statutes, is amended to read:

225 482.051 Rules.--The department has authority to adopt
 226 rules pursuant to ss. 120.536(1) and 120.54 to implement the
 227 provisions of this chapter. Prior to proposing the adoption of a
 228 rule, the department shall counsel with members of the pest
 229 control industry concerning the proposed rule. The department
 230 shall adopt rules for the protection of the health, safety, and
 231 welfare of pest control employees and the general public which
 232 require:

233 (3) That written contracts be required for providing
 234 termites and other wood-destroying organisms pest control, that
 235 provisions necessary to assure consumer protection as specified
 236 by the department be included in such contracts, that licensees
 237 perform an inspection before issuing a contract on an existing
 238 structure, and that ~~require~~ licensees ~~to~~ comply with the
 239 contracts issued.

240 Section 3. Subsection (4) of section 482.071, Florida
 241 Statutes, is amended to read:

242 482.071 Licenses.--

243 (4) A licensee may not operate a pest control business
 244 without carrying the required insurance coverage. Each person
 245 making application for a pest control business license or
 246 renewal thereof must furnish to the department a certificate of
 247 insurance that meets the requirements for minimum financial
 248 responsibility for bodily injury and property damage consisting
 249 of:

250 (a) Bodily injury: \$250,000 ~~\$100,000~~ each person and
 251 \$500,000 ~~\$300,000~~ each occurrence; and property damage: \$250,000
 252 ~~\$50,000~~ each occurrence and \$500,000 ~~\$100,000~~ in the aggregate;

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253 or

254 (b) Combined single-limit coverage: \$500,000 ~~\$400,000~~ in
255 the aggregate.

256 Section 4. Section 482.072, Florida Statutes, is created
257 to read:

258 482.072 Pest control service centers.--

259 (1) The department may issue a license to a qualified
260 business to operate a pest control service center, to solicit
261 pest control business, or to provide services to customers for
262 one or more business locations licensed under s. 482.071. A
263 person may not operate a centralized service center for a pest
264 control business that is not licensed by the department.

265 (2) (a) Before operating a pest control service center, and
266 annually thereafter, on or before an anniversary date set by the
267 department for the licensed pest control service center
268 location, the pest control business must apply to the department
269 for a license under this chapter, or a renewal thereof, for each
270 pest control service center location. An application must be
271 submitted in the format prescribed by the department.

272 (b) The department shall establish a fee for the issuance
273 of a pest control service center license of at least \$500, but
274 not more than \$1,000, and a fee for the renewal of a license of
275 at least \$250, but not more than \$500; however, until rules
276 setting the fees are adopted by the department, the initial
277 license and renewal fees are each set at \$500. The department
278 shall establish a grace period, not to exceed 30 calendar days
279 after a license's anniversary renewal date. The department shall
280 assess a late renewal charge of \$150, in addition to the renewal

281 fee, to a business that renews its license after the grace
 282 period.

283 (c) A license automatically expires 60 calendar days after
 284 the anniversary renewal date unless the license is renewed
 285 before that date. Once a license expires, it may be reinstated
 286 only upon reapplication and payment of the license fee and late
 287 renewal fee.

288 (d) A license automatically expires when a licensee
 289 changes its pest control service center business location
 290 address. The department shall issue a new license upon payment
 291 of a \$250 fee. The new license automatically expires 60 calendar
 292 days after the anniversary renewal date of the former license
 293 unless the license is renewed before that date.

294 (e) The department may not issue or renew a license to
 295 operate a centralized pest control service center unless the
 296 pest control business licensees for whom the centralized service
 297 center solicits business have one or more common owners.

298 (f) The department may deny the issuance of a pest control
 299 service center license, or refuse to renew a license, if the
 300 department finds that the applicant or licensee, or any of its
 301 directors, officers, owners, or general partners, are or were
 302 directors, officers, owners, or general partners of a pest
 303 control business described in s. 482.071(2)(g) or violated a
 304 rule adopted under s. 482.071(2)(f).

305 (g) Section 482.091 does not apply to a person who
 306 solicits pest control services or provides customer service in a
 307 licensed pest control service center unless the person performs
 308 the pest control work described in s. 482.021(21)(a)-(d),

309 executes a pest control contract, or accepts remuneration for
 310 such work.

311 (3) (a) The department shall adopt rules establishing
 312 requirements and procedures for recordkeeping and monitoring of
 313 pest control service center operations to ensure compliance with
 314 this chapter and rules adopted under this chapter.

315 (b) Notwithstanding s. 482.163, whether an employee acts
 316 outside of the course and scope of his or her employment or
 317 whether the employee disobeys employer policies:

318 1. A pest control service center licensee may be subject
 319 to disciplinary action under s. 482.161 for a violation of this
 320 chapter or a rule adopted under this chapter committed by an
 321 employee of the service center.

322 2. A pest control business licensee may be subject to
 323 disciplinary action under s. 482.161 for a violation committed
 324 by an employee of the service center if the business licensee
 325 benefits from the violation.

326 Section 5. Section 482.152, Florida Statutes, is amended
 327 to read:

328 482.152 Duties of certified operator in charge of pest
 329 control activities of licensee.--A certified operator in charge
 330 of the pest control activities of a licensee shall have her or
 331 his primary occupation with the licensee and shall be a full-
 332 time employee of the licensee. The, and her or his principal
 333 duties of the certified operator in charge ~~duty~~ shall include:

334 (1) ~~The~~ Responsibility for the ~~personal~~ supervision of,
 335 and participation in, the pest control activities of at the
 336 business location of the licensee. This chapter does not prevent

337 a certified operator in charge from performing duties at other
 338 business locations owned by the licensee if:

339 (a) The certified operator in charge performs her or his
 340 duties as provided in this section for the business location of
 341 the licensee.

342 (b) The certified operator in charge is a full-time
 343 employee of the licensee.

344 (c) The primary occupation of the certified operator in
 345 charge is the pest control business. ~~as the same relate to:~~

346 (2)~~(1)~~ The Selection of proper and correct chemicals for
 347 the particular pest control work performed.

348 (3)~~(2)~~ The Safe and proper use of the pesticides used.

349 (4)~~(3)~~ The Correct concentration and formulation of
 350 pesticides used in all pest control work performed.

351 (5)~~(4)~~ The Training of personnel in the proper and
 352 acceptable methods of pest control.

353 (6)~~(5)~~ The Control measures and procedures used.

354 (7)~~(6)~~ The Notification of the department of any
 355 accidental human poisoning or death connected with pest control
 356 work performed on a job she or he is supervising, within 24
 357 hours after she or he has knowledge of the poisoning or death.

358 Section 6. Section 482.157, Florida Statutes, is created
 359 to read:

360 482.157 Limited certification for commercial wildlife
 361 management personnel.--

362 (1) The department shall establish a limited certification
 363 category for individual commercial wildlife management personnel
 364 that authorizes the personnel to use nonchemical methods for

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365 controlling pest birds or rodents, including, but not limited
366 to, the use of traps, glue boards, mechanical or electronic
367 devices, or exclusionary techniques.

368 (2) A person seeking limited certification under this
369 section must pass an examination administered by the department.
370 An application for examination must be accompanied by an
371 examination fee set by rule of the department of at least \$150
372 but not to exceed \$300. The department shall provide the
373 appropriate reference materials for the examination and make the
374 examination readily available as often as necessary, but at
375 least quarterly in each county. Before the department issues a
376 limited certification under this section, the person applying
377 for certification must furnish proof that he or she holds a
378 certificate of insurance stating that his or her employer meets
379 the requirements for minimum financial responsibility in s.
380 482.071(4).

381 (3) An application for recertification under this section
382 must be submitted annually and be accompanied by a
383 recertification fee set by rule of the department of at least
384 \$75 but not to exceed \$150. The application must also be
385 accompanied by proof that:

386 (a) The applicant completed 4 classroom hours of
387 acceptable continuing education.

388 (b) The applicant holds a certificate of insurance stating
389 that his or her employer meets the requirements for minimum
390 financial responsibility in s. 482.071(4).

391 (4) The department shall establish a grace period, not to
392 exceed 30 calendar days after an annual date established by the

393 department on which recertification is due. The department shall
 394 assess a late charge of \$50, in addition to the recertification
 395 fee, to commercial wildlife management personnel who are
 396 recertified after the grace period.

397 (5) A limited certification automatically expires 180
 398 calendar days after the annual date on which recertification is
 399 due unless the commercial wildlife personnel are recertified
 400 before the certification expires. Once a certification expires,
 401 certification may be issued only upon successful reexamination
 402 and payment of the examination fees.

403 (6) Certification under this section does not authorize:

404 (a) Use of any pesticide or chemical substance, other than
 405 adhesive materials, to control pest birds, rodents, or other
 406 nuisance wildlife in, on, or under a structure.

407 (b) Operation of a pest control business.

408 (c) Supervision of a certified person.

409 Section 7. Section 482.163, Florida Statutes, is amended
 410 to read:

411 482.163 Responsibility for pest control activities of
 412 employee.--Proper performance of pest control activities by a
 413 pest control business employee is the responsibility not only of
 414 the employee but also of the licensee and the certified operator
 415 in charge, and the licensee and certified operator in charge may
 416 be subject to disciplinary action under ~~disciplined pursuant to~~
 417 ~~the provisions of s. 482.161~~ for the pest control activities of
 418 an employee unless the employee acts outside the course and
 419 scope of his or her employment or the employee disobeys employer
 420 policies that the licensee and certified operator in charge

421 regularly and consistently enforce. If an inspection or
 422 investigation results in administrative action being taken
 423 against an employee, the department shall notify the licensee
 424 and certified operator in charge so that corrective action can
 425 be taken. ~~A licensee may not automatically be considered~~
 426 ~~responsible for violations made by an employee. However, the~~
 427 ~~licensee may not knowingly encourage, aid, or abet violations of~~
 428 ~~this chapter.~~

429 Section 8. Subsection (6) of section 482.226, Florida
 430 Statutes, is amended to read:

431 482.226 Wood-destroying organism inspection report; notice
 432 of inspection or treatment; financial responsibility.--

433 (6) Any licensee that performs wood-destroying organism
 434 inspections in accordance with subsection (1) must meet minimum
 435 financial responsibility in the form of errors and omissions
 436 (professional liability) insurance coverage or bond in an amount
 437 no less than \$250,000 ~~\$50,000~~ in the aggregate ~~and \$25,000 per~~
 438 ~~occurrence,~~ or demonstrate that the licensee has equity or net
 439 worth of no less than \$500,000 ~~\$100,000~~ as determined by
 440 generally accepted accounting principles substantiated by a
 441 certified public accountant's review or certified audit. The
 442 licensee must show proof of meeting this requirement at the time
 443 of license application or renewal thereof.

444 Section 9. Subsection (1) of section 493.6102, Florida
 445 Statutes, is amended to read:

446 493.6102 Inapplicability of this chapter.--This chapter
 447 shall not apply to:

448 (1) Any individual who is an "officer" as defined in s.