



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES COMMISSIONER WILTON SIMPSON

MEMORANDUM

To: All 482 Licensees and Certificate Holders

From: Gerald Everton, Chief
Bureau of Licensing and Enforcement

Date: May 3, 2024

Subject: Statutory Amendments to Chapter 482, Florida Statute

The Department wishes to inform the Pest Control Industry of statutory amendments that were passed during the 2024 Legislative session in SB1084. These amendments will become effective July 1, 2024. Below is a list of the statutory amendments with the language (words stricken are deletions; words underlined are additions) and a brief summary of the changes.

Section 482.111, F.S., amendments:

482.111 Pest control operator's certificate. —

(3) A certificate expires 1 year after the date of issuance. Annually, on or before the 1-year ~~an~~ anniversary of the date of issuance set by the department, an individual ~~so~~ issued a pest control operator's certificate must apply to the department on a form prescribed by the department to renew the ~~for renewal of such~~ certificate. After a grace period not exceeding 30 calendar days following such expiration renewal date, the department shall assess a late renewal charge of \$50 ~~shall be assessed~~ and the certificateholder must pay the late renewal charge ~~be paid~~ in addition to the renewal fee.

(4) If a certificateholder fails to renew his or her certificate and provide proof of completion of the required continuing education units under subsection (10) within 60 days after the certificate's expiration date, the certificateholder may be recertified only after reexamination
Unless timely renewed, a certificate automatically expires 180 calendar days after the

~~anniversary renewal date. Subsequent to such expiration, a certificate may be issued only upon successful reexamination and upon payment of the examination and issuance fees due.~~

(10) In order to renew ~~Prior to the expiration date of a certificate, the certificateholder must complete 2 hours of approved continuing education on legislation, safety, pesticide labeling, and integrated pest management and 2 hours of approved continuing education in each category of her or his certificate or must pass an examination given by the department. The department may not renew a certificate if the continuing education or examination requirement is not met.~~

Summary:

- **This statutory amendment clarifies that a pest control operator's certificate expires one year after the date of issuance.**
- **It further makes the renewal date for a pest control operator certificate the 1-year anniversary date from the date of issuance. For individuals applying for and receiving a new CPCO certificate after July 1, 2024, their renewal date will be one year from the date of issuance. If a category is added after the original issuance, it will not change the issuance date.**
- **An expired pest control operator's certificate cannot be used until it is renewed. A pest control operator's certificate can be renewed with the required continuing education units (CEUs) up to 60 days after the certificate's expiration date however, a late fee of \$50 will be imposed thirty days after the expiration date.**
- **If a pest control operator fails to renew their certificate within 60 days after a certificate's expiration date, they may only be recertified after successful reexamination.**

Section 482.151, F.S., amendments:

482.151 Special identification card for performance of fumigation.—

(6) A special identification card expires 1 year after the date of issuance. A cardholder must apply ~~An application to the department to renew his or her for renewal of a special identification card must be made on or before the 1-year anniversary of the date of issuance set by the department. The department shall set the fee for renewal of the special identification card shall be set by the department but the fee may not be more than \$100 or less than \$50; however, until a rule setting this fee is adopted by the department, the renewal fee is shall be \$50. After a grace period not exceeding 30 calendar days following such expiration renewal date, the department shall assess a late renewal charge of \$25, which the cardholder must pay be paid in addition to the renewal fee.~~

(7) If a cardholder fails to renew his or her card and provide proof of completion of the continuing education units required by subsection (8) within 60 days after the expiration date, the cardholder may be reissued a special identification card only after reexamination. Unless timely renewed, a special identification card automatically expires 180 calendar days after the anniversary renewal date. Subsequent to such expiration, a special identification card may be

~~issued only upon successful reexamination and upon payment of examination and issuance fees due, as provided in this section.~~

Summary:

- This statutory amendment clarifies that a special identification card for performance of fumigation (SPID) expires one year after the date of issuance.
- An expired SPID cannot be used until it is renewed. A SPID can be renewed with the required CEUs up to 60 days after the SPID's expiration date however, a late fee of \$25 will be imposed thirty days after the expiration date.
- If a SPID fails to renew within 60 days after a SPID's expiration date, they may only be recertified after successful reexamination.

Section 482.155, F.S., amendments:

482.155 Limited certification for governmental pesticide applicators or private applicators.—

(1)

(b) A person seeking limited certification under this subsection must pass an examination given or approved by the department. Each application for examination must be accompanied by an examination fee set by the department, in an amount of not more than \$150 or less than \$50; and a recertification fee of \$25 every 4 years. Until rules setting these fees are adopted by the department, the examination fee is \$50. Application for recertification must be accompanied by proof of having completed 4 classroom hours of acceptable continuing education. The limited certificate expires 4 years after the date of issuance. If the certificateholder fails to renew his or her certificate and provide proof of completion of the required continuing education units within 60 days after the expiration date, the certificateholder may be recertified only after reexamination. The department shall provide the appropriate reference material and make the examination readily accessible and available to all applicants at least quarterly or as necessary in each county.

Summary:

- This statutory amendment clarifies that a Limited Certification for Governmental Pesticide Applicators or Private Applicators (Limited L&O and Limited Structural) expires four years after the date of issuance.
- An expired Limited L&O or Limited Structural cannot be used until it is renewed. A Limited L&O or Limited Structural can be renewed with the required CEUs up to 60 days after the Limited L&Os or Limited Structurals expiration date.
- If a Limited L&O or Limited Structural fails to renew within 60 days after a Limited L&Os or Limited Structurals expiration date, they may only be recertified after successful reexamination.

Section 482.156, F.S., amendments:

482.156 Limited certification for commercial landscape maintenance personnel.—

(1) The department shall establish a limited certification category for individual commercial landscape maintenance personnel to authorize them to apply herbicides for controlling weeds in plant beds, driveways, sidewalks, and patios and to perform integrated pest management on ornamental plants using pesticides that do not have a insecticides and fungicides having the signal word or that have the signal word “caution” but do not have having the signal word “warning” or “danger” on the label. The application equipment that may be used by a person certified pursuant to this section is limited to portable, handheld application equipment and 3-gallon compressed air sprayers or backpack sprayers but having no more than a 5-gallon capacity and does not include any type of power equipment.

(2)(a) A person seeking limited certification under this section must pass an examination given by the department. Each application for examination must be accompanied by an examination fee set by rule of the department, in an amount of not more than \$150 or less than \$50. Before the department issues ~~Prior to the department’s issuing~~ a limited certification under this section, each person applying for the certification must furnish proof of having a certificate of insurance which states that the employer meets the requirements for minimum financial responsibility for bodily injury and property damage required by s. 482.071(4).

(b) ~~To be eligible to take the examination, an applicant must have completed 6 classroom hours of plant bed and ornamental continuing education training approved by the department and provide sufficient proof, according to criteria established by department rule.~~ The department shall provide the appropriate reference materials for the examination and make the examination readily accessible and available to applicants at least quarterly or as necessary in each county.

(3) A certificate expires 1 year after the date of issuance. A certificateholder must apply to the department to renew his or her certificate on or before the 1-year anniversary of the date of issuance. ~~The An application for recertification under this section must be made annually and be accompanied by a recertification fee set by rule of the department, in an amount of not more than \$75 or less than \$25. The application must also be accompanied by proof of having completed 4 classroom hours of acceptable continuing education and the same proof of having a certificate of insurance as is required for issuance of this certification. After a grace period not exceeding 30 calendar days following such expiration date the annual date that recertification is due,~~ a late renewal charge of \$50 shall be assessed and must be paid in addition to the renewal fee. If a certificateholder fails to renew his or her certificate and provide proof of completing the

required continuing education units within 60 days after the expiration date, the certificateholder may be recertified only after reexamination. Unless timely recertified, a certificate automatically expires 180 calendar days after the anniversary recertification date. Subsequent to such expiration, a certificate may be issued only upon successful reexamination and upon payment of the examination fees due.

Summary:

- This statutory update adds additional sites where herbicides can be applied by individuals with a Limited Certification for Commercial Landscape Maintenance Personnel (LCLM) certificate. This includes driveways, sidewalks and patios.
- It clarifies what products can be applied and the application equipment that can be used. LCLM certificate holders can apply pesticides that do not have a signal word or that have the signal word "caution", but do not have the signal word "warning" or "danger" on the label. LCLM certificate holders can only use portable, handheld application equipment and backpack sprayers that do not have any type of power equipment.
- There is no longer a requirement to take 6 classroom hours of training prior to taking an exam for LCLM certification.
- This statutory amendment clarifies that a LCLM certificate expires one year after the date of issuance.
- An expired LCLM cannot be used until it is renewed. A LCLM can be renewed with the required CEUs up to 60 days after the LCLMs expiration date however, a late fee of \$50 will be imposed thirty days after the expiration date.
- If a LCLM fails to renew within 60 days after a LCLMs expiration date, they may only be recertified after successful reexamination.

Section 482.157, F.S., amendments:

482.157 Limited certification for commercial wildlife management personnel.—

(3) A certificate expires 1 year after the date of issuance. A certificateholder must apply to the department to renew his or her certificate on or before the 1-year anniversary of the date of issuance. The An application for recertification must be made annually and be accompanied by a recertification fee of at least \$75, but not more than \$150, as prescribed by the department by rule. The application must also be accompanied by proof of completion of the required 4 classroom hours of acceptable continuing education and the required proof of insurance. After a grace period not exceeding 30 calendar days following such expiration after the recertification renewal date, the department shall assess a late fee of \$50 in addition to the renewal fee. If a certificateholder fails to renew his or her certificate and provide proof of completing the required continuing education units within 60 days after the expiration date, the certificateholder may be recertified only after reexamination. A certificate automatically expires 180 days after the recertification date if the renewal fee has not been paid. After expiration, the

department shall issue a new certificate only if the applicant successfully passes a reexamination and pays the examination fee and late fee.

Summary:

- This statutory amendment clarifies that a Limited Certification for Commercial Wildlife Management Personnel (LW) expires one year after the date of issuance.
- An expired LW cannot be used until it is renewed. A LW can be renewed with the required CEUs up to 60 days after the LWs expiration date however, a late fee of \$50 will be imposed thirty days after the expiration date.
- If an LW fails to renew within 60 days after a LWs expiration date, they may only be recertified after successful reexamination.

Section 482.161, F.S., amendments:

482.161 Disciplinary grounds and actions; reinstatement.—

(1) The department may issue a written warning to or impose a fine against, or deny the application for licensure or licensure renewal of, a licensee, certified operator, limited certificateholder, identification cardholder, or special identification cardholder or any other person, or may suspend, revoke, or deny the issuance or renewal of any license, certificate, limited certificate, identification card, or special identification card that is within the scope of this chapter, in accordance with chapter 120, upon any of the following grounds:

(k) Swearing to or affirming any false statement in an application for a license issued pursuant to this chapter.

(l) Cheating on an examination required for licensure under this chapter or violating a published test center or examination procedure provided orally, in writing, or electronically at the test site and affirmatively acknowledged by the examinee.

Summary:

- This statute update allows the department to take action for swearing or affirming to any false statements on an application, for cheating on an exam or for violating published exam procedures.

Section 482.191, F.S., amendments:

482.191 Violation and penalty—

(1) It is unlawful to do any of the following:

(a) Solicit, practice, perform, or advertise in pest control except as provided by this chapter.

(b) Swear to or affirm a false statement in an application for a license or certificate issued pursuant to this chapter. A false statement contained in an application for such license or certificate renders the application, license, or certificate void.

(c) Cheat on an examination required for licensure under this chapter or violate a published test center or examination procedure provided orally, in writing, or electronically at the test site and affirmatively acknowledged by an examinee. Violating this paragraph renders the examinee's exam attempt void. The department shall adopt rules establishing penalties for examinees who violate this subsection. The department may exercise discretion in assessing penalties based on the nature and frequency of the violation.

(2) Except as provided in paragraph (1)(c), a person who violates any provision of this chapter commits is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A Any person who violates any rule of the department relative to pest control commits is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Summary:

- **The updated statute language makes it unlawful for anyone to swear or affirm to any false statement on an application, to cheat on an exam or to violate published exam procedures. Additionally, swearing or affirming to any false statement on an application is punishable as a misdemeanor of the second degree.**
- **It also provides rule making authority to establish penalties for cheating or violating published test center procedures and provides the department discretion in assessing penalties based on nature and frequency of the violation.**

Section 482.226, F.S., amendments:

482.226 Wood-destroying organism inspection report; notice of inspection or treatment; financial responsibility—

(3) When an inspection ~~If periodic reinspections or retreatments are specified in wood-~~ destroying organisms preventive or control contracts is conducted or any treatment covered by the wood-destroying organisms preventive or control contracts is performed, the licensee shall furnish the property owner or the property owner's authorized agent, ~~after each such reinspection or retreatment,~~ a signed report indicating the presence or absence of wood-destroying organisms covered by the contract, whether treatment ~~retreatment~~ was made, and the common or brand name of the pesticide used. Such report need not be on a form prescribed by the department.

(a) If a licensee performs an inspection not specified in the wood-destroying organisms preventive or control contract, and the presence of wood-destroying organisms covered by the contract is identified, the licensee must provide the property owner or property owner's

authorized agent with a signed report notifying her or him of the presence of wood-destroying organisms.

(b) A person may not perform inspections periodic re-inspections or treatments retreatments unless she or he has an identification card issued under s. 482.091(9).

Summary:

- The updated language clarifies that consumers with wood-destroying organism (WDO) contracts shall be provided written findings of all inspections specified by the WDO contract or any treatments covered under the contract.
- Additionally, if a licensee performs an inspection that is not specified in the contract and the presence of a WDO that is covered by contract is identified, a signed report must be issued to the consumer that notifies them of the presence of the WDO.

Please contact the Division of Agricultural Environmental Services, Bureau of Licensing and Enforcement if you have questions at (850) 617-7997 or AESCares@FDACS.gov.