

## Chapter 5E-14, Florida Administrative Code

### Licensee Identification – Vehicles, Equipment

- All vehicles used for pest control are permanently marked with the company name on both sides
- Letters must be at least 1.5 inches high on contrasting background
- Exception – magnetic signs can be used by sales vehicles as long as no pesticides and pesticide equipment is carried
- No employee of a licensee can “moonlight” or work independently

### Contractual Agreements

- Must have a written contract with the property owner for all WDO treatments
- A licensee must inspect within 30 days and retreat within 90 after written notification of a customer with a retreatment guarantee
- Reinspection reports kept for at least 3 years

### Use of Pesticides

- Must use registered pesticides
- Must use pesticides consistent with the label and labeling
- Must keep copies of specimen labels at business location
- Pesticide containers must be kept under lock when in unattended vehicle
- Pesticides must be in labeled container
- Fill pipes and hoses must terminate at least 2 inches above the tank or have anti-siphoning device
- All pretreat termiticides must be mixed at the site just prior to using
- Must have label in vehicle for all pretreat termiticides
- Pretreat records kept for 3 years

### Application for Certified Operator Exam

- Applicant must have 3 years documented service
- Exam in one or more categories:
  - Fumigation
  - GHP – General Household Pest
  - Termite or other WDO
  - Lawn and Ornamental
- Applicant must participate in 45 jobs in category before exam
- Fumigation – 15 jobs

### Examinations

- Examination fee - \$300 per category
- Any applicant who fails an exam must request a review within fifteen (15) days from date of written notice of examination results.
- Passing grade of 75%

## Certificate Issuance and Renewals

- Must apply for certificate within 60 days of written notification of passing
  - Late fee of \$50 after 60 days
  - Must re-test if not applied for within 90 days of notification
- Certificates renew on or before June 1
  - \$50 late fee after 30 days
  - Certificate expires 180 days after June 1 if not renewed
  - \$150 renewal fee

## Emergency Certificates

- An emergency pest control certificate, takes effect on the exact date the loss or other emergency occurred.
- An initial 30 day emergency certificate is issued upon verbal or written request of a licensee
- “loss of a certified operator in charge or other emergency” means the unforeseen and unplanned parting or separation from the licensee.
- The intentional or forced transfer or shifting of a certified operator in charge from one licensed business location to another owned by the same licensee shall not constitute a “loss of a certified operator in charge or other emergency.”
- Cannot be used with restricted use pesticides
- Not issued in the category of Fumigation

## Responsibilities and Duties – Records, Reports, Advertising, Applications

- Pesticide use records kept for minimum 2 years
- immediately notify the Department in writing of any loss or change of certified operator in charge
- 10 day notification to the Dept
  - Change in firm name, business address, mailing address, telephone number, ownership status, termination or suspension or resumption of business activities, sale or transfer of any valid pest control contract(s)
  - Change of certified operator’s home address or telephone number.
- Telephone directory advertising must show the licensee’s name, business address and telephone numbers
- A licensee must notify contract holders of change in business location within thirty (30)
- Any licensee who performs wood-destroying organism inspections must show proof of meeting minimum financial responsibility.
  - \$50,000 in the aggregate and \$25,000 per occurrence
- Licensee may designate another certified operator, in the same categories as the certified operator in charge, for a period of time not to exceed thirty (30) days. Temporary absence means any absence where the certified operator in charge would reasonably be expected to return to his duties.

## Identification Cards

- Training records kept for at least 2 years
- ID cardholders must receive:
  - 5 days (40 hour) initial training
    - Must be verified on DACS Form 13665
  - 4 hours CEU within 1<sup>st</sup> 6 months
  - 2 hours CEU each additional year

## Posting Notice of Pesticide Application

- Post in a Conspicuous location at time of application to a lawn or to exterior foliage
- Minimum size 4x5 inches
- Durable and weatherproof
- Background and lettering must be contrasting colors
- Licensee's business name making the application is clearly on notice
- Notice can be part of a larger sign

## Enforcement and Penalties

- Penalties may include:
  - Denial of an application for licensure or license renewal
  - Refusal of a pest control registration, license
  - Revocation or Suspension of license
  - Warning Letter.
  - 2 year probation
  - Fine up to \$5,000 for each violation.
  - Criminal prosecution
  - Issuance of a Cease and Desist Order
- Major violations are violations where:
  - Death or serious bodily harm requiring medical attention to humans or veterinary attention to animals occurs
  - Misuse of a highly toxic
  - Causes serious harm to an ecological system, or contamination of water or soil
  - Deliberately makes false or fraudulent
  - Performs pest control in a manner that causes harm due to carelessness or failure to exercise proper care
  - Uses a fumigant in a manner that is inconsistent with its
  - Fails to give the Department or representative true information in response to a written request within 14 business days
  - Fraudulent or misleading advertising
  - Performs a faulty inspection for wood destroying organisms,
  - Violates any Immediate Final Order, Emergency Suspension Order, Stop Use, Stop Work, Settlement Agreement, Consent Order, Final Order
  - Commits fraud or deceptive trade practices
  - Performs pest control without holding a valid license

