

1989

Session Law 89-198

Florida Senate & House of Representatives

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H 793 GENERAL BILL by Thomas and others (Similar CS/S 865, Compare CS/1ST ENG/H 169, CS/S 780)

Pesticides Sensitivity/Notification; requires pest control businesses or operators to provide certain information to customers, upon request; requires such persons to post notice of certain applications of pesticide; provides for determination of chemically sensitive persons; requires certain notice to such persons prior to applying pesticide; provides duties of H.R.S. Dept.; provides for review & repeal. Creates 482.2265. Effective Date: 10/01/89.

03/14/89 HOUSE Prefiled
03/16/89 HOUSE Referred to Health & Rehabilitative Services; Appropriations
04/04/89 HOUSE Introduced, referred to Health & Rehabilitative Services; Appropriations -HJ 77; Subreferred to Subcommittee on Health, Mental Health and Substance Abuse; On subcommittee agenda—Health & Rehabilitative Services, 04/06/89, 8:00 am, 415-HOB, or if not completed 04/06/89, will be considered 04/07/89, 10:15 am, 16-HOB
04/06/89 HOUSE Subcommittee Recommendation: Favorable
04/07/89 HOUSE On Committee agenda—Health & Rehabilitative Services, 04/11/89, 3:30 pm, 314-HOB
04/11/89 HOUSE Preliminary Committee Action by Health & Rehabilitative Services: Favorable
04/13/89 HOUSE Comm. Report: Favorable by Health & Rehabilitative Services -HJ 225; Now in Appropriations -HJ 225
05/11/89 HOUSE Withdrawn from Appropriations -HJ 465; Placed on Calendar
05/16/89 HOUSE Placed on Special Order Calendar
05/18/89 HOUSE Read second time -HJ 531
05/19/89 HOUSE Read third time; Passed; YEAS 116 NAYS 0 -HJ 543
05/22/89 SENATE In Messages
05/29/89 SENATE Received, referred to Health Care -SJ 496; Withdrawn from Health Care; Substituted for CS/SB 865; Passed; YEAS 38 NAYS 0 -SJ 508
05/29/89 Ordered enrolled
06/13/89 Signed by Officers and presented to Governor
06/28/89 Approved by Governor; Chapter No. 89-198; See also: CS/HB 169 (Ch. 89-180)

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

****AS PASSED BY THE 1989 LEGISLATURE****

STORAGE NAME: h793f.hrs\ldm\sg
DATE: June 6, 1989

**HOUSE OF REPRESENTATIVES
COMMITTEE ON HEALTH & REHABILITATIVE SERVICES
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: HB 793
RELATING TO: Pest Control
SPONSOR(S): Representative Thomas and Others
EFFECTIVE DATE: October 1, 1989
DATE BECAME LAW: June 28, 1989
CHAPTER #: 89-198, Laws of Florida
COMPANION BILL(S): CS/SB 865(S)
OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2)

I. SUMMARY:

A. PRESENT SITUATION:

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Chapter 482, F.S., the "Pest Control Act," provides for the regulation of pest control businesses and their employees. The Department of Health and Rehabilitative Services (HRS) is responsible for administering the regulatory program through the Office of Entomology.

Any business desiring to engage in pest control must be licensed and a license is required for each business location. Supervisory level employees (pest control operators) must be certified. Pest control employees other than pest control operators are required to have identification cards. Special identification cards are required for particular pest control treatments such as fumigations.

Chapter 10D-55, Florida Administrative Code, governs pest control.

B. EFFECT OF PROPOSED CHANGES:

HB 793 imposes upon those licensed or certified under the provisions of the Pest Control Act the responsibility to disclose specific information to customers, upon request. The bill details the information that must be disclosed: business name and identification card number of the pesticide applicator; common or brand name of the pesticide to be used or the common name of the active ingredient in the pesticide; and appropriate safety information for end-use dilution of the product as provided on

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the manufacturer's safety data sheet. In addition, the bill imposes a duty to post a conspicuous notice at the time of pesticide application to lawns and exterior foliage. HB requires advance notice of pesticide application to chemically sensitive persons.

The bill requires HRS to establish criteria by rule for provisions related to medical proof of chemical sensitivity and for provisions related to advance notification of chemically sensitive persons. HB 793 also requires HRS to provide the physical makeup and wording for the notice posted when a pesticide is applied to a lawn or exterior foliage. HRS is the intermediary through which information passes about individuals who have submitted medical proof of chemical sensitivity. HB 793 requires HRS to provide to those licensed or certified under the provisions of Chapter 482, F.S., the name and address of each individual who has submitted medical proof of chemical sensitivity and paid a fee.

HB 793 allows customers of pest control services to obtain specific information from any person licensed or certified under the provisions of Chapter 482, F.S. The bill authorizes anyone to submit medical proof of chemical sensitivity and his home address to HRS by certified mail.

HB 793 schedules each section added to Chapter 482, F.S., for repeal and review.

C. SECTION-BY-SECTION ANALYSIS:

N/A

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

Indeterminate. The Department of HRS is required to establish by rule criteria for medical proof of chemical sensitivity and to develop a rule for the advance notification of chemically sensitive individuals. There will be some cost associated with rulemaking. The department is also required to provide the wording and specifications for the notices posted when a pesticide is applied to a lawn or exterior foliage. There could be some cost for these activities.

2. Recurring or Annualized Continuation Effects:

HB 793 requires HRS to provide all licensed or certified persons in the pest control business with the name and home address of those individuals who have submitted medical proof of chemical sensitivity and paid a fee. The Department of HRS has indicated that the costs of notification will be recovered by fees charged. The amount of revenue derived

from fees from persons submitting medical proof is indeterminate.

3. Long Run Effects Other Than Normal Growth:

None anticipated.

4. Appropriations Consequences:

Indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None anticipated.

3. Long Run Effects Other Than Normal Growth:

None anticipated.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

HB 793 permits anyone to submit by certified mail, medical proof of chemical sensitivity. The number of individuals who would submit medical proof of chemical sensitivity and pay the fee set by HRS is unknown at this time. The cost of obtaining medical proof of chemical sensitivity would likely be assumed by either the individual wishing to submit proof or his insurance company.

The likely costs to pest control businesses under the provisions of HB 793 would be those incurred for posting notice of pesticide application to lawns and exterior foliage, providing specified information to those customers requesting it, and providing advance notification of pesticide application to chemically sensitive individuals.

According to the Department of HRS, there are approximately 2,400 pest control companies in Florida and approximately 1,300 of them are licensed in the lawn and ornamental pest control category. HRS has estimated that it will cost the pest control companies \$1,404,000 annually to post notices. This estimate is based upon 1,300 companies, with an average of 900 customers per company, spraying 6 times per year for a total of 7,020,000 sprayings per year. The cost per sign was estimated to be \$.20. The average cost per company per year is estimated to be \$1,080.

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It is anticipated that costs incurred by pest control businesses as a consequence of the provisions of HB 793, will be passed on to customers.

2. Direct Private Sector Benefits:

Individuals who are chemically sensitive may benefit from the advance notice provisions. In addition, the public may benefit from the posted notice of pesticide application on lawns or exterior foliage.

If the opinions of health care professionals are sought to establish medical proof of chemical sensitivity, the health care industry may benefit.

3. Effects on Competition, Private Enterprise, and Employment Markets:

None anticipated.

D. FISCAL COMMENTS:

III. LONG RANGE CONSEQUENCES:

To the extent that the information provided to chemically sensitive individuals and the public about the presence of pesticides leads to the prevention of illness, HB 793 is consistent with goal 6 of the State Comprehensive Plan related to health:

12. Ensure that all health-care related policies and programs emphasize wellness, the prevention of illness and injury, and rehabilitative care.

IV. COMMENTS:

None.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Lynda deMarsh-Mathues/sg

Staff Director:

Judy C. Justice

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

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APPROPRIATIONS:
Prepared by:

Staff Director:

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Williams</u>	<u>Wilson</u>	1. <u>HC</u>	<u>Fav/CS</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:	BILL NO. AND SPONSOR:
Pesticides Sensitivity/ Notification	CS for SB 865 by Committee on Health Care and Senator Johnson

I. SUMMARY:

A. Present Situation:

Chapter 482, Florida Statutes, provides for the regulation of pest control. The Department of Health and Rehabilitative Services (HRS) is empowered to enforce the provisions of the law and is authorized to adopt rules for the protection of the health, safety, and welfare of pest control employees and the general public. There is currently no statutory requirement that pest control companies provide any information to customers concerning the pesticides in use. There is also no requirement for the posting of notices of outdoor pesticide applications.

The statute has no specific provisions to protect members of the public who are especially sensitive to pesticides. "Chemically sensitive" individuals that are known to HRS are dealt with on a case-by-case basis. Pest control companies and local mosquito control programs are made aware of these individuals and where they live. The pest control companies and mosquito control programs voluntarily notify the individuals prior to applications of pesticide in their neighborhoods or avoid these areas altogether. Few individuals have contacted HRS to inform HRS that they are "chemically sensitive" persons. The pest control program is currently staffed with 10 inspectors statewide.

B. Effect of Proposed Changes:

Committee Substitute for Senate Bill 865 requires pest control personnel licensed or certified under chapter 482, Florida Statutes, to provide, upon request of customers, the following information: the business name of the person applying the pesticide; the identification number of the person applying the pesticide; the common or brand name of the pesticide or the common name of its active ingredients; and appropriate safety information for in-use dilution of the pesticide.

In the case of application of pesticides to lawns or outdoor foliage, pest control personnel licensed or certified under chapter 482 are required to place in a conspicuous location a notice at the time of application of a pesticide. The wording and physical makeup of the notice will be prescribed by HRS.

The Committee Substitute for Senate Bill 865 also directs HRS to establish, by rule, standards by which "chemically sensitive" persons may prove to HRS their condition. A "chemically sensitive" person is authorized to submit by certified mail proof to HRS of his sensitivity, provide HRS with his home address, and pay a fee set by HRS rule. The Department of HRS will then notify each licensee under chapter 482 of the name and home address of each chemically sensitive

person. At least 24 hours before applying a pesticide, a licensee must notify each chemically sensitive person. The provisions of such notification are to be developed by HRS rules.

The committee substitute also provides for the subsequent review of these provisions.

The effective date of the committee substitute is October 1, 1989.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The industry predicts that the cost of notifying such persons will be minimal. The bill will add an additional burden on all pest control companies because they will be required to keep and have available certain information which must be provided to customers when requested. The major burdens will be on pest control companies that do lawn and foliage spraying because they will be required to have and post signs, keep records of chemically sensitive persons in their area, and notify such persons before spraying near them. The cost of these burdens will likely be passed on to the consumers of pest control services.

The Department of HRS indicated that there are approximately 2,400 pest control companies in Florida. Approximately 1,300 of them are licensed in lawn and ornamental pest control. The average number of lawn customers per company is approximately 900 and each customer's lawn is sprayed six times per year. A sign will have to be posted each time spray is applied.

$$\begin{aligned} &1,300 \text{ companies} \times 900 \text{ customers} \\ &\quad \times 6 \text{ applications} = 7,020,000 \text{ signs} \end{aligned}$$

The Department of HRS estimates that a disposable sign costs 20 cents; therefore, the cost of signs alone is \$1.4 million per year.

Chemically sensitive persons will benefit from the notification process established by this bill, but will have to pay a fee, to be determined by HRS, for their participation in this program. The number of chemically sensitive persons in Florida is unknown. The industry predicts that the cost of notifying such persons will be minimal.

B. Government:

The cost to HRS for administering the registry of chemically sensitive persons will be covered by fees charged for registration. It is not anticipated that HRS enforcement procedures will be impacted by this bill.

III. COMMENTS:

While this bill may protect chemically sensitive persons from sprays applied by licensed pest control companies, it does not protect them from sprays applied by homeowners or other applicators of pesticides exempted from regulation under chapter 482, such as business and local governmental entities applying pesticides on their own premises.

IV. AMENDMENTS:

None.