




Florida Department of Agriculture and Consumer Services
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June 26, 2009

MEMORANDUM NO. 840

TO: All Pest Control Licensees and Certified Operators

FROM: Michael J. Page, Chief 
Bureau of Entomology and Pest Control

RE: Misuse of Certificate: Certified Operators In Charge

The responsibilities and duties of the Certified Operator in Charge (COIC) are critical to the successful operation and compliance of a licensed pest control business. Accordingly, the responsibility for the training and supervision of service technicians is of paramount importance. Section 482.152, Florida Statutes (F.S.), clearly delineates the responsibilities entrusted to the COIC. The section states in pertinent part that, "...her or his primary occupation is with the licensee; that they are full-time employees of the licensee; and that her or his principal duty includes the responsibility for personal supervision of and participation in the pest control activities at the business location of the licensee...". In addition, the COIC is responsible for the following:

1. The selection of proper and correct chemicals for the particular pest control work performed.
2. The safe and proper use of the pesticides used.
3. The correct concentration and formulation of pesticides used in all pest control work performed.
4. The training of personnel in the proper and acceptable methods of pest control.
5. The control measures and procedures used.
6. The notification of the department of any accidental human poisoning or death connected with pest control work performed on a job she or he is supervising, within 24 hours after she or he has knowledge of the poisoning or death.



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Also pertinent to this issue are the penalties for misuse of a certificate, which are found in Section 482.121, F.S. It is important to note that this section of the law is unique in two ways: it is separate from penalties outlined in §482.161, F.S., which describe disciplinary grounds and sanctions the department may take when a violation of Chapter 482, F.S. is documented. Secondly, the authority provided in §482.121, F.S., provides the Department with the ability to *revoke the license of the pest control business or the certified operator's certificate, or both such license and certificate*, when a certificate is used in violation of the section.

The Department has issued several actions specifically for misuse of certificate since FY 06-07. The Bureau may issue administrative actions when the misuse of an operator's certificate is documented. Licensees and Certified Operators in Charge are therefore urged to correct situations where the above requirements are not being met to avoid Department sanctions under §482.121, F.S.

MJP/bk