

## Facts from FDACS Records 2-2021

I receive a lot of questions about what records must be kept and for how long you must keep them:

Let's start with the **Pest control business license**; 482.071(3) A licensee shall display its current license at each of its business locations. Each business location of a licensee must be licensed.

**Certificate and renewal** 482.111(5) Each certified operator in charge at a licensed business location shall display her or his certificate and current renewal receipt at the business location in her or his charge.

**Specimen labels** of pesticides used 5E-14.106(2) Licensees and certified operators shall maintain at the licensed business locations specimen copies of current registered labels for all pesticides used in their pest control operations which labels shall be available for inspection upon request.

**Employee training records** 5E-14.1421(1) The licensee shall maintain written training records for both the initial five (5) day (40 hour) training required in Section 482.091(3), F.S., and the continuing training required in Section 482.091(10), F.S., on all identification cardholders within their employ and make those records available during routine inspection or upon request of the department. Licensees must maintain the training record for at least a two year period. The training required for Section 482.091(3), F.S., must be conducted by a certified operator or a person under the supervision of the certified operator in charge who has been designated in writing as responsible for training. The 40 hour initial training shall be verified by: (a) Completion of the Verification Record of Initial Employee Training, (FDACS-13665, Rev. 10/15),

482.091(3) A licensee or certified operator may not assign or use an employee to perform any category of pest control without providing trained supervision unless the employee is trained and qualified in that category of pest control. An employee may not perform, solicit, inspect, or apply pest control without first having been provided at least 5 days of field training in the appropriate category of pest control under the direct supervision, direction, and control of a certified operator.

(9) For every employee who performs inspections for wood-destroying organisms pursuant to s. 482.226, the licensee or certified operator in charge must apply for an identification card that identifies that employee as having received the special training specified in this subsection in order to perform inspections pursuant to s. 482.226.

(10) In addition to the training required by subsection (3), each identification cardholder must receive 4 hours of classroom training in pesticide safety, integrated pest management, and applicable federal and state laws and rules within 6 months after issuance of the card or must have received such training within 2 years before issuance of the card. Each cardholder must receive at least 2 hours of continuing training in pesticide safety, integrated pest management, and applicable federal and state laws and rules by the renewal date of the card.

**Fumigation employees** 5E-14,1421(5) Fumigation employees that participate in fumigations using a residential fumigant must complete Initial and Annual Stewardship Training as required by the label and Stewardship Policy for the residential fumigant(s) used as defined in Rule Chapter 5E-2, F.A.C. Information verifying Continuing Education Units for Stewardship Training (Initial or Annual) for all residential

fumigant(s) used by the fumigation employee must be submitted to the department annually through <http://ceu.freshfromflorida.com>, or by submitting the Record of Attendance for Continuing Education Units (CEUs), Form FDACS-13325,

5E-14.142(1) Records: Pest control records of the licensee pertaining to pest control activities and including contracts shall be kept at the licensed business location or at the exact Florida address specified in the application for business license for inspection by department inspectors. Records kept electronically must be provided to the department upon request. Licensees operating in the category of fumigation shall record this information along with the individual fumigant cylinder identification number utilized to fumigate a structure.

**WDO category 482.226(1)** When an inspection for wood-destroying organisms is made by a licensee for purposes of a real estate transaction and either a fee is charged for the inspection or a written report is requested by the customer, a wood-destroying organism inspection report (13645) shall be provided by the licensee or its representative qualified under this chapter to perform such inspections. The inspection shall be made in accordance with good industry practice and standards as established by rule and must include inspection for all wood-destroying organisms. The inspection findings shall be reported to the person requesting the inspection. The report must be made on a form prescribed by the department and furnished by the licensee. A copy of the inspection report shall be retained by the licensee for a period of not less than 3 years.

482.051(5) That any pesticide used as the primary preventive treatment for subterranean termites in new construction be applied in the amount, concentration, and treatment area in accordance with the label; that a copy of the label of the registered pesticide being applied be carried in a vehicle at the site where the pesticide is being applied; and that the licensee maintain for 3 years the record of each preconstruction treatment, indicating the date of treatment, the location or address of the property treated, the total square footage of the structure treated, the type of pesticide applied, the concentration of each substance in the mixture applied, and the total amount of pesticide applied

5E-14.105(1) Each licensee must enter into a written contract with the property owner or his authorized agent for each treatment for control or prevention of wood-destroying organisms. No such contract shall be entered into after six (6) months following the effective date of this rule without first obtaining specific written consent signed by the property owner or authorized agent using the Consumer Notice Form, (FDACS-13692, Rev 10/15),

(6) When periodic reinspections are specified in wood-destroying organisms preventive or control contracts, the licensee shall furnish the property owner or his authorized agent, after each reinspection, a signed report of the condition of the property with respect to presence or absence of wood-destroying organisms covered by the contract and whether retreatment was made. A copy of the inspection report shall be retained by the licensee for a period of not less than three (3) years.

Some **attorneys** recommend keeping these records for **5 to 7 years** due to the statute of limitations.