

resulted in the suspension or revocation, for a new business location in the same county or any contiguous county for a period of 3 years after the effective date of the suspension or revocation.

(5) If, after appropriate hearing in accordance with chapter 120, the department finds that a licensee, certified operator, limited certificateholder, identification cardholder, or special identification cardholder has committed any act described in subsection (1), but further finds that such act is of such nature or occurred under such circumstances that suspension or revocation of the license, certificate, limited certificate, identification card, or special identification card would either be detrimental to the public or be unnecessarily harsh under the circumstances, it may, in lieu of executing the order of suspension or revocation, either:

- (a) Reprimand the party publicly or privately; or
- (b) Place the party on probation for a period of not more than 2 years.

(6)(a) If the department finds that the terms of any such probation have been violated, it may revoke the probation order immediately; and its initial order takes effect.

(b) If a person is found by the department to have violated any of the other terms of this chapter or of the rules adopted pursuant to this chapter, the department may declare such probation revoked; and, in its proceeding with regard to such additional violation, the department may consider the violation for which probation is in effect in determining the extent of its order with regard to such additional violation.

(7) The department, pursuant to chapter 120, in addition to or in lieu of any other remedy provided by state or local law, may impose an administrative fine, in an amount not exceeding \$5,000, for the violation of any of the provisions of this chapter or of the rules adopted pursuant to this chapter. In determining the amount of fine to be levied for a violation, the following factors shall be considered:

- (a) The severity of the violation, including the probability that the death, or serious harm to the health or safety, of any person will result or has resulted; the severity of the actual or potential harm; and the extent to which the provisions of this chapter or of the rules adopted pursuant to this chapter were violated;
- (b) Any actions taken by the licensee or certified operator in charge, or limited certificateholder, to correct the violation or to remedy complaints;
- (c) Any previous violations of this chapter or of the rules adopted pursuant to this chapter; and
- (d) The cost to the department of investigating the violation.

(8) An administrative law judge may, in lieu of or in addition to imposition of a fine, recommend probation or public or private reprimand. A public reprimand must be made in a newspaper of general circulation in the county of the licensee.

(9) The department shall publish quarterly a list of disciplinary actions taken pursuant to this section and shall provide such list to each licensee.

(10) The department may require any licensee disciplined for a violation of s. 482.226 to submit to the department reports for wood-destroying organism

inspections and treatments performed. These reports must be submitted at such times as required by the department but not more frequently than once a week.

History.—s. 1, ch. 59-454; s. 1, ch. 65-295; ss. 19, 35, ch. 69-106; s. 3, ch. 76-168; s. 363, ch. 77-147; s. 1, ch. 77-457; s. 12, ch. 78-292; ss. 2, 3, ch. 81-318; ss. 10, 14, 15, ch. 82-229; s. 13, ch. 89-180; ss. 42, 59, ch. 92-203; s. 7, ch. 94-194; s. 225, ch. 96-410.

CHAPTER 483

HEALTH TESTING SERVICES

PART III

CHOLESTEROL SCREENING CENTER LICENSURE ACT

- 483.601 Cholesterol Screening Center Licensure Act.
- 483.610 Definitions.
- 483.611 Licensure requirements for cholesterol screening centers.
- 483.612 Application of part; exemptions.
- 483.613 Licensure; issuance, renewal, denial, suspension, revocation; fees.
- 483.614 Administration of cholesterol screening centers.
- 483.615 Cholesterol screening center and equipment; requirements.
- 483.616 Standards for operation; departmental rules.
- 483.617 Performance of laboratory services.
- 483.618 Transfer and transport of patients to hospitals.
- 483.619 Maintenance of records.
- 483.620 Inspection by the department.
- 483.621 Public access to inspection reports.
- 483.622 Administrative penalties; emergency orders; moratorium on admissions.
- 483.623 Criminal penalty.
- 483.624 Injunctive relief.

483.601 Cholesterol Screening Center Licensure Act.—[Repealed by s. 1, ch. 96-108.]

483.610 Definitions.—[Repealed by s. 1, ch. 96-108.]

483.611 Licensure requirements for cholesterol screening centers.—[Repealed by s. 1, ch. 96-108.]

483.612 Application of part; exemptions.—[Repealed by s. 1, ch. 96-108.]

483.613 Licensure; issuance, renewal, denial, suspension, revocation; fees.—[Repealed by s. 1, ch. 96-108.]

483.614 Administration of cholesterol screening centers.—[Repealed by s. 1, ch. 96-108.]

483.615 Cholesterol screening center and equipment; requirements.—[Repealed by s. 1, ch. 96-108.]

483.616 Standards for operation; departmental rules.—[Repealed by s. 1, ch. 96-108.]

483.617 Performance of laboratory services.— [Repealed by s. 1, ch. 96–108.]

483.618 Transfer and transport of patients to hospitals.—[Repealed by s. 1, ch. 96–108.]

483.619 Maintenance of records.—[Repealed by s. 1, ch. 96–108.]

483.620 Inspection by the department.— [Repealed by s. 1, ch. 96–108.]

483.621 Public access to inspection reports.— [Repealed by s. 1, ch. 96–108.]

483.622 Administrative penalties; emergency orders; moratorium on admissions.—[Repealed by s. 1, ch. 96–108.]

483.623 Criminal penalty.—[Repealed by s. 1, ch. 96–108.]

483.624 Injunctive relief.—[Repealed by s. 1, ch. 96–108.]

CHAPTER 487

PESTICIDES

PART I

FLORIDA PESTICIDE LAW

- 487.031 Prohibited acts.
- 487.041 Registration.
- 487.0615 Pesticide Review Council.
- 487.160 Records; report.

487.031 Prohibited acts.—It is unlawful:

(1) For any person to engage in the application of restricted-use pesticides, except as defined in chapters 388 and 482, without a certified applicator's license issued by the department unless such person is doing so under the direct supervision of a licensee. However, all aerial applicators applying any pesticide shall be licensed by the department in the appropriate category or categories, and provisions for direct supervision shall not be held to apply to aerial applicators.

(2) To distribute, sell, or offer for sale within this state any pesticide or product which has not been registered pursuant to the provisions of this part, except pesticides distributed, sold, offered for sale, or used in accordance with the provisions of federal or state restriction, supervision, or cancellation orders or other existing stock agreements.

(3) To distribute, sell, offer for sale, or use within the state any pesticide which is adulterated or misbranded, or any device which is misbranded.

(4) To detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this part or rules promulgated under this part, or to add any substance to, or take any substance from, any pesticide in a manner that may defeat the purpose of this part.

(5) For any person to use for his own advantage or to reveal any information relative to formulas of products acquired by authority of this part, other than to: the department, proper officials, or employees of the state; the courts of this state in response to a subpoena; physicians, pharmacists, and other qualified persons, in an emergency, for use in the preparation of antidotes. The information relative to formulas of products is confidential and exempt from the provisions of s. 119.07(1).

(6) To disseminate any false advertisement.

(7) For any person to dispose of a pesticide that has been placed under stop-sale, stop-use, removal, or hold order issued by the department without a written release order from the department or to remove stop-sale, stop-use, removal, or hold order from article so detained.

(8) To hold or offer for sale, sell, or distribute in this state restricted-use pesticides without a dealer's license and unless the person to whom the sale is made holds a valid applicator's license to purchase and use such restricted-use pesticides or holds a valid purchase authorization card, in which case the use of the restricted-use pesticide shall be by a licensed applicator or an employee under his direct supervision.

(9) For any person to purchase any restricted-use pesticide unless he is the holder of a valid dealer's license, applicator's license, or purchase authorization card or to use a restricted-use pesticide unless he is the holder of a valid applicator's license or unless he is using the restricted-use pesticide under the direct supervision of a licensed applicator.

(10) For any person to use any pesticide, including a restricted-use pesticide, or to dispose of any pesticide containers in a manner other than as stated in the labeling or on the label or as specified by the department or the United States Environmental Protection Agency. However, it shall not be unlawful to:

(a) Apply a pesticide at any dosage, concentration, or frequency less than that specified on the label or labeling, provided that the efficacy of the pesticide is maintained; further, provided that when a pesticide is applied by a commercial applicator, any deviation from label recommendations must be with the consent of the purchaser of the pesticide application services;

(b) Apply a pesticide against any target pest not specified in the labeling if the application is to a crop, animal, or site specified on the label or labeling, provided that the label or labeling does not specifically prohibit the use on pests other than those listed on the label or labeling;

(c) Employ any method of application not prohibited by the labeling;

(d) Mix a pesticide or pesticides with a fertilizer when such mixture is not prohibited by the label or labeling; or

(e) Use in a manner determined by rule not to be an unlawful act.

(11) For any person to handle, transport, store, display, or distribute pesticides in such a manner as to endanger human beings or the environment or to endanger food, feed, or any other products that may be transported, stored, displayed, or distributed with such pesticides.