



FOOD AND AGRICULTURAL CODE - FAC

DIVISION 4. PLANT QUARANTINE AND PEST CONTROL [5001 - 8808]

(Division 4 enacted by Stats. 1967, Ch. 15.)

PART 1. GENERALLY [5001 - 6299]

(Part 1 enacted by Stats. 1967, Ch. 15.)

CHAPTER 3. Certification of Plant Shipments [5201 - 5209]

(Chapter 3 enacted by Stats. 1967, Ch. 15.)

5205.

A commissioner shall make such inspections as may be necessary to determine the facts which are required by the state or country of intended destination and shall issue a certificate that states the facts which are determined upon receipt of the scheduled fee for a certificate or, if no scheduled fee has been established, upon request of the shipper.

(Enacted by Stats. 1967, Ch. 15.)

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DIVISION 6. PEST CONTROL OPERATIONS [11401 - 12408]

(Heading of Division 6 amended by Stats. 1971, Ch. 1187.)

CHAPTER 4. Pest Control [11701 - 11897]

(Heading of Chapter 4 amended by Stats. 1993, Ch. 620, Sec. 4.)

ARTICLE 2. Registration [11731 - 11741]

(Article 2 enacted by Stats. 1967, Ch. 15.)

11732.

It is unlawful for any person to advertise, solicit, or operate as a pest control business in any county unless the person has registered with the commissioner for the current calendar year.

The registration shall be in the form prescribed by the commissioner and shall show all of the following information:

- (a) Name and address of the registrant.
- (b) Number and kind of units to be operated in the county.
- (c) Type of pests that are intended to be controlled.
- (d) Any other information as the commissioner may require.

(Amended by Stats. 2003, Ch. 366, Sec. 2. Effective January 1, 2004.)

11734.

The board of supervisors of any county may establish reasonable fees for the registration required under Section 11732. Payment of the fee shall be due by the date designated by the commissioner. However, registration fees for pest control businesses licensed pursuant to Section 11704 shall be that amount necessary to cover the costs of registration, but shall not exceed twenty-five dollars (\$25) per year.

(Amended by Stats. 2000, Ch. 1000, Sec. 1. Effective January 1, 2001.)

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DIVISION 6. PEST CONTROL OPERATIONS [11401 - 12408]

(Heading of Division 6 amended by Stats. 1971, Ch. 1187.)

CHAPTER 5. Aircraft Operation Regulation [11901 - 11940]

(Chapter 5 enacted by Stats. 1967, Ch. 15.)

ARTICLE 2. Financial Responsibility [11931 - 11940]

(Article 2 enacted by Stats. 1967, Ch. 15.)

11932.

For the purposes of this article:

(a) A judgment is satisfied when twenty-five thousand dollars (\$25,000) has been credited upon any judgment in excess of that amount which arises out of any one accident or occurrence.

(b) A deposit of bond or other obligation for the payment of which the full faith and credit of the United States or of this state is pledged is considered a deposit of money.

(Enacted by Stats. 1967, Ch. 15.)

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DIVISION 6. PEST CONTROL OPERATIONS [11401 - 12408]

(Heading of Division 6 amended by Stats. 1971, Ch. 1187.)

CHAPTER 6. Agricultural Pest Control Advisers [12001 - 12054]

(Chapter 6 repealed and added by Stats. 1971, Ch. 1276.)

ARTICLE 3. Registration [12031 - 12035]

(Article 3 added by Stats. 1971, Ch. 1276.)

12034.

County boards of supervisors may set fees for registration to cover the cost of registering pest control advisers, but in no case shall the fee total more than ten dollars (\$10) per year for a pest control adviser to register in person in the county listed in the adviser's address on the license issued pursuant to Article 2 (commencing with Section 12021) or the county of occupational choice, as the case may be, and five dollars (\$5) per year for an adviser to register in an additional county as provided in Section 12031.

(Amended by Stats. 1985, Ch. 95, Sec. 2.)

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**DIVISION 7. AGRICULTURAL CHEMICALS, LIVESTOCK REMEDIES, AND
COMMERCIAL FEEDS [12500 - 15340]**

(Division 7 enacted by Stats. 1967, Ch. 15.)

CHAPTER 7. Structural Pest Control [15201 - 15206.6]

(Chapter 7 added by Stats. 1984, Ch. 766, Sec. 14.)

15204.

(a) Each licensed Branch 2 and Branch 3 structural pest control operator qualifying manager, as defined in Section 8506.2 of the Business and Professions Code, and Structural Pest Control Board registered company, as defined in Section 8506.1 of the Business and Professions Code, shall register with the commissioner prior to operating a structural pest control business in the county. The registration shall cover a calendar year. A fee may also be required at the time of registration. The fee shall be set by the county board of supervisors, except that in no case shall the fee exceed the actual cost of processing the registration or ten dollars (\$10), whichever is less. Payment of the fee shall be due by the date designated by the commissioner.

(b) Each registration shall be in a form prescribed by the director after consulting with the Structural Pest Control Board and commissioners and shall include the structural pest control licensee's name and address, including all satellite locations conducting business in the county, telephone numbers, responsible persons, and the type of pest control to be conducted.

(c) If ordered by the commissioner, other structural pest control licensees shall appear in person at the office of the commissioner to complete registration.

(d) The commissioner may levy a civil penalty against any person who violates the provisions of this section in accordance with the procedures provided in Section 12999.5.

(Amended by Stats. 2007, Ch. 338, Sec. 2. Effective January 1, 2008.)

15204.5

(a) It is unlawful for any licensed Branch 1 Structural Pest Controller licensee, including structural pest control operators, field representatives, applicators, and Structural Pest Control Board (SPCB) registered companies, as defined in Section 8506.1 of the Business and Professions Code, to conduct fumigations in any county unless that person or company has also registered for the current calendar year with the commissioner in that county. The registration fee for the SPCB registered company including structural pest control operators and field representatives and applicators shall be set by the county Board of Supervisors, but shall not exceed the cost of processing the registration or twenty-five dollars (\$25), whichever is less. Payment of the fee shall be due at registration or on a date set by the commissioner. Structural pest control operators and field representatives may be added during the year, but the fee shall not exceed the actual cost of processing the registration or ten dollars (\$10), whichever is less.

(b) Each registration shall be in the form prescribed by the director after consulting with the SPCB and the commissioners and shall include the name and address of the SPCB registered company or structural pest control operator and all satellite offices conducting business in the county, the name of the qualifying manager or the structural pest control operator and his or her license number, and a business telephone number. The registration form for field representatives and applicators shall include their name, license number, business address, and telephone number, and may be included with the business registration.

(c) Each licensed structural pest controller, including structural pest control operators, field representatives, applicators, or an SPCB registered company, that intends to conduct fumigation operations is required to appear in person at the office of the commissioner to complete the registration required by Section 15204.

(d) Each SPCB registered company or structural pest control operator that intends to conduct fumigation operations shall notify the agricultural commissioner at least 24 hours prior to commencing fumigation, or as approved on a case-by-case basis by the commissioner. This notice shall include all of the following:

(1) Name and address of the registered company or structural pest control operator.

(2) Address of the area or areas to be fumigated.

(3) The pesticide to be applied.

(4) The date of the intended application.

(e) The commissioner may levy a civil penalty against any person who violates the provisions of this section in accordance with the procedures provided in Section 12999.5.

(Added by Stats. 2007, Ch. 338, Sec. 3. Effective January 1, 2008.)

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DIVISION 17. FRUIT, NUT, AND VEGETABLE STANDARDS [42501 - 49021]

(Division 17 enacted by Stats. 1967, Ch. 15.)

CHAPTER 10.5. Direct Marketing [47000 - 47062]

(Chapter 10.5 added by Stats. 1996, Ch. 606, Sec. 1.5.)

ARTICLE 3. Certificates [47020 - 47021]

(Article 3 added by Stats. 1996, Ch. 606, Sec. 1.5.)

47020.

(a) An operator of a certified farmers' market shall register with the department by applying for and obtaining a certificate from the county agricultural commissioner's office in the county in which the certified farmers' market is located. The application shall include the times and location of the farmers' market, the name and contact information for the operator of the farmers' market, and the agent for service of process for the operator. Upon approval of an application, the county agricultural commissioner shall issue to the operator a certified farmers' market certificate.

(b) A certified farmers' market certificate issued by a county agricultural commissioner shall be valid for up to 12 months from the date of issue, and may be renewed annually thereafter. The county agricultural commissioner shall inspect every certified farmers' market within the commissioner's jurisdiction at least once for every six months of operation. At the time of application or renewal, the county agricultural commissioner shall provide a schedule of fees that reflects an estimate of expenses for inspections and may charge a certification and inspection fee equal to the actual expenses incurred.

(c) (1) (A) Before selling at a certified farmers' market, a producer shall register with the department by applying for and obtaining a certificate from the county agricultural commissioner's office in the county in which the producer's land or facility is located. The application shall include a declaration by the producer that the producer is knowledgeable of and intends to produce in accordance with good agricultural practices, as outlined in the Small Farm Food Safety Guidelines published by the department. Upon approval of an application, the county agricultural commissioner shall issue to the producer a certified producer's certificate.

(B) A declaration made pursuant to subparagraph (A) shall not be used to infer that the producer is not required to comply with other state or federal laws relative to food safety and good agricultural practices.

(2) As part of obtaining or renewing a certified producer's certificate, a producer farming fruit, vegetables, nuts, herbs, and similar crops shall annually submit to the county agricultural commissioner's office in the county in which the producer's land or facility is located information requested by the department about the specific crops that the producer will harvest or intends to harvest for sale directly to the public. The secretary may promulgate regulations specifying the information a producer is required to submit.

(3) A certified producer's certificate issued by a county agricultural commissioner shall be valid for up to 12 months from the date of issue and may be renewed annually thereafter. The county agricultural commissioner in each county shall perform at least one onsite inspection for all new certified producer's certificate applicants, and may perform additional inspections as needed of the property or properties listed on the certified producer's certificate issued in the agricultural commissioner's county as deemed appropriate by the county agricultural commissioner to verify production of the commodities being sold at a certified farmers' market or the existence in storage of the producer's actual harvested production, or both, of any product being sold at a certified farmers' market. Where practical or purposeful, verification inspections shall be made when the actual harvest or sale of the commodity in question is occurring. The county agricultural commissioner shall provide to the producer a schedule of fees that reflects an estimate of expenses for certification or inspection at the time of application or renewal or before any needed additional verification inspection, and may charge a certification and inspection fee equal to the actual expenses incurred.

(d) Renewal of a certified farmers' market certificate or certified producer's certificate may be denied by either the department or a county agricultural commissioner if a certified farmers' market or a producer is delinquent in the payment of the required state fee or a county certification and inspection fee or administrative civil penalty authorized pursuant to this chapter. The certificate may be eligible for renewal when all outstanding balances and associated penalties or administrative fines have been paid to the department or the respective county or counties.

(Amended by Stats. 2021, Ch. 374, Sec. 3. (AB 623) Effective January 1, 2022.)

47021.

(a) Every operator of a certified farmers' market shall remit to the department, within 30 days after the end of each quarter, a fee equal to the number of vendors participating and selling goods under the authority and management of the certified farmers' market operator participating on each market day for the entire previous quarter. The fee shall be two dollars (\$2) for each vendor whose products were presented for sale on each market day. A certified farmers' market operator may directly recover all or part of the fee from the participating vendors. An operator of a certified farmers' market located in a county with a population of less than 400,000 that allows only vendors of agricultural products produced by producers on land located in the same county as the certified farmers' market may petition the secretary for a vendor fee of one dollar (\$1). The petition shall include a statement of verification of the information upon which the petition is based by the county agricultural commissioner in the county where the certified farmers' market is located.

(b) An operator of a certified farmers' market who fails to pay the required fee within 30 days after the end of the quarter in which it is due shall pay to the department a monthly interest charge on the unpaid balance and a late penalty

charge, to be determined by the department and not to exceed the maximum amount permitted by law.

(c) All fees collected pursuant to this section shall be deposited in the Department of Food and Agriculture Fund. The money generated by the imposition of the fees shall be used, upon appropriation by the Legislature, by the department to cover the reasonable costs to carry out this chapter, including all of the following actions undertaken by the department:

- (1) The coordination of the Certified Farmers' Market Advisory Committee or any ad hoc direct marketing advisory committee.
- (2) The evaluation of county enforcement actions and assistance with regard to multiple county enforcement problems.
- (3) The adoption of regulations to carry out the provisions of this chapter pertaining to certified farmers' markets.
- (4) Hearings from actions taken to enforce this chapter.
- (5) The maintenance of a current statewide listing of certified farmers' markets locations.
- (6) The maintenance of a current statewide listing of producers who have been certified.
- (7) The dissemination to all certified farmers' markets information regarding the suspension or revocation of any producer's certificate and the imposition of administrative penalties.
- (8) Other actions, including the maintenance of special fund reserves, that are recommended by the Certified Farmers' Market Advisory Committee or any ad hoc direct marketing advisory committee and approved by the department for purposes of carrying out this chapter pertaining to certified farmers' markets.
- (9) Investigation and enforcement expenses, including expenses incurred by any county agricultural commissioner for actions conducted pursuant to this chapter.

(Amended by Stats. 2014, Ch. 579, Sec. 15. (AB 1871) Effective January 1, 2015.)

LABOR CODE - LAB

DIVISION 2. EMPLOYMENT REGULATION AND SUPERVISION [200 - 2699.8]

(Division 2 enacted by Stats. 1937, Ch. 90.)

PART 6. LICENSING [1682 - 1706.5]

(Heading of Part 6 amended by Stats. 1972, Ch. 590.)

CHAPTER 3. Farm Labor Contractors [1682 - 1699]

(Chapter 3 added by Stats. 1951, Ch. 1746.)

1695.

(a) Every licensee shall do all of the following:

(1) Carry his or her license and proof of registration issued pursuant to paragraph (8) with him or her at all times and exhibit the same to all persons with whom he or she intends to deal in his or her capacity as a farm labor contractor prior to so dealing.

(2) File at the United States Post Office serving the address of the licensee, as noted on the face of his or her license, with the office of the Labor Commissioner, and with the agricultural commissioner of the county or counties in which the labor contractor has contracted with a grower, a correct change of address immediately upon each occasion the licensee permanently moves his or her address. The address shall also be the mailing address for purposes of notice required by the Labor Code or by any other applicable statute or regulations respecting service by mail.

(3) Promptly when due, pay or distribute to the individuals entitled thereto, all moneys or other things of value entrusted to the licensee by any third person for this purpose.

(4) Comply on his or her part with the terms and provisions of all legal and valid agreements and contracts entered into between the licensee in his or her capacity as a farm labor contractor and third persons.

(5) Have available for inspection by his or her employees and by the grower with whom he or she has contracted a written statement in English and Spanish showing the rate of compensation he or she receives from the grower and the rate of compensation he or she is paying to his or her employees for services rendered to, for, or under the control of the grower. Upon written request, the statement shall be provided to a current or former employee or the grower within 21 calendar days. A licensee who fails to comply with this paragraph is subject to a civil penalty of seven hundred fifty dollars (\$750) recoverable by the employee or the grower.

(6) Take out a policy of insurance with any insurance carrier authorized to do business in the State of California in an amount satisfactory to the commissioner, which insures the licensee against liability for damage to persons or property

arising out of the licensee's operation of, or ownership of, any vehicle or vehicles for the transportation of individuals in connection with his or her business, activities, or operations as a farm labor contractor.

(7) Have displayed prominently at the site where the work is to be performed and on all vehicles used by the licensee or his or her employees or agents for the transportation of employees the rate of compensation the licensee is paying to his or her employees for their services, printed in both English and Spanish and in lettering of a size to be prescribed by the Department of Industrial Relations.

(8) Register annually with the agricultural commissioner of the county or counties in which the labor contractor has contracted with a grower.

(9) Provide information and training on applicable laws and regulations governing worker safety, including the requirements of Article 10.5 (commencing with Section 12980) of Chapter 2 of Division 7 of the Food and Agricultural Code, sexual harassment, or regulating the terms and conditions of agricultural employment, to each crewleader, foreperson, or other employee whose duties include the supervision, direction, or control of any agricultural worker on behalf of a licensee, or pursuant to, a contract or agreement for agricultural services entered into with a licensee.

(b) The board of supervisors of a county may establish fees to be charged each licensee for the recovery of the actual costs incurred by commissioners in the administration of registrations and change of address and the issuance of proofs of registration.

(Amended by Stats. 2014, Ch. 750, Sec. 6. (SB 1087) Effective January 1, 2015.)