

By Senator McKay

26-1432-98

See HB 3133

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A bill to be entitled  
An act relating to pest control; amending ss.  
482.021, 487.021, and 500.03, F.S.; clarifying  
definitions of "pest control," "pesticide or  
economic poison," "pesticide," and "pesticide  
chemical" with respect to the application or  
use of plain water; providing an effective  
date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (20) and (21) of section  
482.021, Florida Statutes, are amended to read:

482.021 Definitions.--For the purposes of this  
chapter, and unless otherwise required by the context, the  
term:

(20) "Pest control" includes:

(a) The use of any method or device or the application  
of any substance, other than plain water, to prevent, destroy,  
repel, mitigate, curb, control, or eradicate any pest in, on,  
or under a structure, lawn, or ornamental;

(b) The identification of or inspection for  
infestations or infections in, on, or under a structure, lawn,  
or ornamental;

(c) The use of any pesticide, economic poison, or  
mechanical device for preventing, controlling, eradicating,  
identifying, inspecting for, mitigating, diminishing, or  
curtailing insects, vermin, rodents, pest birds, bats, or  
other pests in, on, or under a structure, lawn, or ornamental;

(d) All phases of fumigation, including:

1. The treatment of products by vault fumigation; and

1           2. The fumigation of boxcars, trucks, ships,  
2 airplanes, docks, warehouses, and common carriers; and

3           (e) The advertisement of, the solicitation of, or the  
4 acceptance of remuneration for any work described in this  
5 subsection, but does not include the solicitation of a bid  
6 from a licensee to be incorporated in an overall bid by an  
7 unlicensed primary contractor to supply services to another.

8           (21) "Pesticide or economic poison" means any  
9 substance or mixture of substances, other than plain water,  
10 intended for:

11           (a) Preventing, destroying, repelling, or mitigating  
12 any insects, rodents, nematodes, fungi, weeds, or other forms  
13 of plant or animal life or viruses, except viruses or fungi on  
14 or in living human beings or other animals; or

15           (b) Use as a plant regulator, defoliant, or desiccant.

16           Section 2. Subsection (49) of section 487.021, Florida  
17 Statutes, is amended to read:

18           487.021 Definitions.--For the purpose of this part:

19           (49) "Pesticide" means any substance or mixture of  
20 substances, other than plain water, intended for preventing,  
21 destroying, repelling, or mitigating any insects, rodents,  
22 nematodes, fungi, weeds, or other forms of plant or animal  
23 life or viruses, except viruses, bacteria, or fungi on or in  
24 living humans or other animals, which the department by rule  
25 declares to be a pest, and any substance or mixture of  
26 substances intended for use as a plant regulator, defoliant,  
27 or desiccant; however, the term "pesticide" does not include  
28 any article that:

29           (a) Is a "new animal drug" within the meaning of s.  
30 201(w) of the Federal Food, Drug, and Cosmetic Act;

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1 (b) Has been determined by the Secretary of the United  
2 States Department of Health and Human Services not to be a new  
3 animal drug by a regulation establishing conditions of use for  
4 the article; or

5 (c) Is an animal feed within the meaning of s. 201(x)  
6 of the Federal Food, Drug, and Cosmetic Act bearing or  
7 containing an article covered in this subsection.

8 Section 3. Paragraph (x) of subsection (1) of section  
9 500.03, Florida Statutes, is amended to read:

10 500.03 Definitions of terms; construction;  
11 applicability.--

12 (1) For the purpose of this chapter, the term:

13 (x) "Pesticide chemical" means any substance, other  
14 than plain water, which, alone, in chemical combination, or in  
15 formulation with one or more other substances is a "pesticide"  
16 within the meaning of the Florida Pesticide Law, chapter 487,  
17 and which is used in the production, storage, or  
18 transportation of raw agricultural commodities.

19 Section 4. This act shall take effect upon becoming a  
20 law.

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23 LEGISLATIVE SUMMARY

24 Clarifies that plain water is not a substance subject to  
25 regulation under definitions relating to pest control and  
26 pesticides in chs. 482, 487, and 500, F.S.

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