

By Representative Harrington

1                                   A bill to be entitled  
2           An act relating to pest control; amending ss.  
3           482.021, 487.021, and 500.03, F.S.; clarifying  
4           definitions of "pest control," "pesticide or  
5           economic poison," "pesticide," and "pesticide  
6           chemical" with respect to the application or  
7           use of plain water; providing an effective  
8           date.

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

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12           Section 1. Paragraph (a) of subsection (20) and  
13           subsection (21) of section 482.021, Florida Statutes, are  
14           amended to read:

15           482.021 Definitions.--For the purposes of this  
16           chapter, and unless otherwise required by the context, the  
17           term:

18           (20) "Pest control" includes:

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

23           (21) "Pesticide or economic poison" means any  
24           substance or mixture of substances, other than plain water,  
25           intended for:

26           (a) Preventing, destroying, repelling, or mitigating  
27           any insects, rodents, nematodes, fungi, weeds, or other forms  
28           of plant or animal life or viruses, except viruses or fungi on  
29           or in living human beings or other animals; or

30           (b) Use as a plant regulator, defoliant, or desiccant.  
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1           Section 2. Subsection (49) of section 487.021, Florida  
2 Statutes, is amended to read:

3           487.021 Definitions.--For the purpose of this part:

4           (49) "Pesticide" means any substance or mixture of  
5 substances, other than plain water, intended for preventing,  
6 destroying, repelling, or mitigating any insects, rodents,  
7 nematodes, fungi, weeds, or other forms of plant or animal  
8 life or viruses, except viruses, bacteria, or fungi on or in  
9 living humans or other animals, which the department by rule  
10 declares to be a pest, and any substance or mixture of  
11 substances intended for use as a plant regulator, defoliant,  
12 or desiccant; however, the term "pesticide" does not include  
13 any article that:

14           (a) Is a "new animal drug" within the meaning of s.  
15 201(w) of the Federal Food, Drug, and Cosmetic Act;

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

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

23           Section 3. Paragraph (x) of subsection (1) of section  
24 500.03, Florida Statutes, is amended to read:

25           500.03 Definitions of terms; construction;  
26 applicability.--

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

28           (x) "Pesticide chemical" means any substance, other  
29 than plain water, which, alone, in chemical combination, or in  
30 formulation with one or more other substances is a "pesticide"  
31 within the meaning of the Florida Pesticide Law, chapter 487,

1 and which is used in the production, storage, or  
2 transportation of raw agricultural commodities.  
3 Section 4. This act shall take effect upon becoming a  
4 law.

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7 HOUSE SUMMARY

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

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