

1 A bill to be entitled
2 An act relating to eradication of agricultural
3 pests; prescribing additional duties of the
4 Department of Agriculture and Consumer Services
5 and the Department of Health with respect to
6 programs of emergency aerial application of
7 pesticide for eradication of plant pests;
8 requiring use of certain pesticides; requiring
9 development of a system for informing the
10 public of such programs and requiring public
11 and other notice of certain programs of pest
12 eradication; providing for information to be
13 furnished to health-care providers; providing
14 for health advisory committees; providing an
15 effective date.

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

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19 Section 1. To carry out its duties with respect to
20 emergency responses to plant pest infestations when the
21 eradication programs involve the aerial application of a
22 pesticide to an urbanized area, the Department of Agriculture
23 and Consumer Services shall:

24 (1) Use a pesticide previously approved by the United
25 States Environmental Protection Agency for that eradication
26 purpose.

27 (2) Provide a system for dissemination of information
28 to the public about infestations of pests that are the subject
29 of such eradication programs. The system shall disseminate
30 information relating to the pest; the pesticide selected to
31 eradicate that pest; the generally accepted effects, if any,

1 of the pesticide on the human population and the environment
2 in the area in which an aerial eradication program will be
3 conducted; recommended safety precautions; and the alternative
4 methods of responding to the pest infestation, if any.

5 Section 2. At any time when the Department of
6 Agriculture and Consumer Services is conducting an emergency
7 response to a plant pest infestation which involves the aerial
8 application of a pesticide to an urbanized area, the
9 Department of Health shall monitor health problems that result
10 from chemical exposure about which complaints are made to
11 physicians and health care facilities. The Department of
12 Health shall provide a toll-free hotline on which persons may
13 register complaints and shall make a record of all calls
14 received on that line. In consultation with the Department of
15 Health, the Department of Agriculture and Consumer Services
16 shall adopt by rule standards for determining when the use of
17 a particular pesticide should be discontinued.

18 Section 3. Before the Department of Agriculture and
19 Consumer Services begins an emergency response to a plant pest
20 infestation which involves the aerial application of a
21 pesticide to an urbanized area, the department shall notify
22 the public in the area in which the pesticide is to be applied
23 of its impending action. Notice must be given at least 96
24 hours before beginning the aerial application of a pesticide
25 to an urbanized area. The department shall use all reasonable
26 methods to disseminate information required under this section
27 as widely as possible. Information to be disseminated
28 includes, but is not limited to: a copy of any
29 Environmental-Protection-Agency permit or other permit under
30 which the pesticide will be applied, and the source, including
31 the date of publication, of any technical information, if

1 available, about the pesticide which is included in the
2 notice; the projected area over which the pesticide will be
3 applied; the predicted duration of the application period; and
4 the number of the Department of Health's toll-free hotline.
5 When the emergency response to a plant pest infestation
6 requires the aerial application of a pesticide to an urbanized
7 area for a period longer than 1 week, the department shall
8 notify the public in the area of the program's continuation.
9 The department shall notify the public in the area when an
10 emergency response to a plant pest infestation which requires
11 the aerial application of a pesticide to an urbanized area is
12 terminated.

13 Section 4. The Department of Health shall provide
14 physicians and health care facilities in an area in which the
15 Department of Agriculture and Consumer Services is conducting
16 an emergency response to a plant pest infestation which
17 involves the aerial application of a pesticide to an urbanized
18 area with technical assistance relating to health problems
19 that may result from chemical exposure. The Department of
20 Health shall provide the names, addresses, and telephone
21 numbers of physicians and health care facilities in the area
22 in which the eradication program will be conducted which
23 specialize in health problems resulting from chemical
24 exposure.

25 Section 5. The Department of Health shall provide
26 technical assistance to the Department of Agriculture and
27 Consumer Services when the latter department is carrying out
28 an emergency response to a plant pest infestation which
29 involves the aerial application of a pesticide to an urbanized
30 area and shall establish a health advisory committee. The
31 committee shall consist of seven members and shall include the

1 State Health Officer, the local health officer, the poison
2 information center director, a toxicologist from the
3 Department of Agriculture and Consumer Services, a person
4 representing a state teaching hospital, a physician practicing
5 in the area, and an epidemiologist from the Department of
6 Health. The duties of the health advisory committee are to
7 serve as a resource, under the supervision of the Department
8 of Health, to the Department of Health and the Department of
9 Agriculture and Consumer Services in carrying out their duties
10 under this act; duties of the health advisory committee
11 include, but are not limited to, review of the aggregate
12 information collected from physician and hotline calls.

13 Section 6. The Commissioner of Agriculture shall
14 notify the Governor and the other members of the Cabinet that
15 the Department of Agriculture and Consumer Services will begin
16 an emergency response to a plant pest infestation which
17 involves the aerial application of a pesticide to an urbanized
18 area at the same time the department provides public notice
19 under section 3 and shall include in that notification the
20 same information contained in the public notice. When the
21 response is conducted over a period longer than 1 week, the
22 commissioner shall notify the Governor and the other members
23 of the Cabinet of its continuation. The commissioner shall
24 notify the Governor and the other members of the Cabinet when
25 an emergency response to a plant pest infestation which
26 requires the aerial application of a pesticide to a
27 residential area is terminated.

28 Section 7. As used in this act, the term "urbanized
29 area" means land that is zoned for purposes other than
30 agricultural purposes and that has a residential density of
31 two or more units per acre.

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Section 8. This act shall take effect July 1, 1998.