

The Florida Pest Control Act

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In order that you may better understand Chapter 482, of the Florida Statutes, commonly known as the Pest Control Act of Florida, I would like to give you a little background concerning the statute. In 1947, the Legislature of the State of Florida enacted a statute known as the Structural Pest Control Act of Florida. It was believed that the persons who were engaged in the Pest Control Industry required a certain amount of regulation for the health, welfare and protection of the citizens of the State of Florida. Over the years, this original bill has been amended several times to clarify the law, rules, and the regulations in support of same. With the growing number of persons who became engaged in pest control, known at this time as Lawn and Ornamental Pest Control, the Legislature, again revised Chapter 482 to include a new category known as Lawn and Ornamental Pest Control. In the revision of this statute, considerable research on the part of the Structural Pest Control Industry, Horticultural Spraymen's Industry, and other related fields was consulted in the drafting of what is now known as the Pest Control Act of 1965.

Upon advice of the leaders of the industries, Pest Control Industry, in assisting the Legislature in drafting this current statute, it was the opinion of all concerned that to be specific as to whom this act would apply would be insurmountable if not an impossible task. Upon legal advice, the advice of the Legislature, and the leaders of the industries involved, it was decided that it would be best to define those who were exempt from the statute, and define a pest. The following definitions, were formulated: and I quote from the statute the definition of a pest:

"Section 482.021 (17) PESTS—Arthropods: wood-infesting organisms; rodents; any obnoxious or undesirable living plant or animal organism."

In the application of control of these pests, as just defined, it was determined that it would be best to provide exemptions to this statute, and those exemptions were spelled out in Section 482.211 of the statute:

"Section 482.211 (1) This act does not apply to pest control performed by the State, Federal, Municipal, or County governmental agencies while officially engaged; or to State and educational agencies engaged in research pertaining to pest control; or to the measure of control used in: greenhouses, nurseries for plants, agricultural crops, trees, groves, orchards, crop dusting, or to pest control other than fumigation performed by a person upon his own individual residence or property.

(2) This act shall not apply to lawn and ornamental pest control being performed on an agricultural area as defined.

(3) This Act does not apply to the use of wood preservatives used only on wood, properly pretreated timber, properly pretreated lumber, or to metal shields, when used in construction on structures.

(4) Each person when performing pest control under an exemption shall employ all necessary equipment and

materials in a manner that will avoid hazards to public health and safety and such person shall not be entitled to perform fumigation."

In order to clarify the statute as it relates to agricultural areas, the statute defines the term "agricultural area.":

Section 482.021 (1)—AGRICULTURAL AREA—Any area upon which a ground crop, trees, or plants, are grown for commercial purposes; or where a golf course, park, nursery, or cemetery is located; or where farming of any type is performed, or livestock is raised."

As a result of this statute, and as required by that statute, the Pest Control Commission of Florida, and the Florida State Board of Health, enacted certain rules to amplify the requirements of the Pest Control Act.

The Pest Control Commission of Florida administers the Pest Control Act, while the Florida State Board of Health enforces the Pest Control Act; or, in other terms, the Florida State Board of Health is the police department, and the Pest Control Commission is the Judge. For me to go into the rules of the Pest Control Commission of Florida, or the Florida State Board of Health, at this juncture would be fruitless in that we must all first understand the Chapter as it applies to water hyacinth control, aquatic weed control, or industrial weed control, or pest control as a whole.

Let us go back to the definition of pest and take the key words as they apply to this group. "Any obnoxious or undesirable living plant." In most, if not all, cases water hyacinth is an obnoxious undesirable living plant; so, therefore, under provisions of the Pest Control Act, water hyacinth is a pest. The control of this pest must of necessity fall within the purview of the statute, unless it is performed under the provisions of the exemptions contained within the Pest Control Act; those being that it does not apply to pest control performed by the State, Federal, Municipal, or County governmental agencies, while officially engaged; or to State and educational agencies engaged in research pertaining to pest control; or to the measure of control, and so forth; or upon a person performing pest control upon his own individual resident or property.

The Pest Control Commission of Florida has studied and researched the subject of industrial weed control, aquatic weed control, and the control of other obnoxious living plants; and as a result of this research, the Commission has interpreted Chapter 482 of the Florida Statutes, or the Pest Control Act, to include all pest control, which includes, as I previously stated, aquatic and industrial weed control, performed within this State, unless exempt from the Statute. In summation, the control of pests, water hyacinth, aquatic weeds, or any other obnoxious living plant must be accomplished by a person who is certified and licensed to perform pest control in accordance with Chapter 482, of the Florida Statutes, the Pest Control Act of Florida, unless that person or firm performs this service under one of the exemptions.