SOME NOTES ON THE RECENTLY ENACTED FLORIDA STRUCTURAL PEST CONTROL ACT OF 1959

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The 37th Legislature of the State of Florida meeting in biennial session enacted the new Florida Structural Pest Control Act in June, 1959. The Act was approved by the Governor on June 19, 1959, and took effect on October 1, 1959. This Act repeals and supersedes the Florida Structural Pest Control Act of 1947, which was amended in 1955. The Florida Pest Control Association, working through its special Legislative Committee with the assistance of the Special Assistant Attorney General, is largely responsible for instigating the newly enacted Law. This Legislative Committee composed of prominent representatives of the structural pest control industry held several public hearings to consider the new legislation and was instrumental in passage of the Law. In this discussion I will refer to the Structural Pest Control Act of 1947 as the “old law” and the Structural Pest Control Act of 1959 as the “new law.”

DISCUSSION

Certain features of the new law reflect significant changes in, additions to, or deletions from, the old law and need some comment.

DEFINITIONS. The new law defines structure as “any type of edifice or building, together with the land thereunder and within two feet thereof, together with the contents thereof, together with any patio or terrace thereof; also, that portion of land upon which work has commenced for the erection of an edifice or building; also, every railway car, box car, truck, trailer, ship, boat, airplane, common carrier, dock or wharf.” The old law has no definition of this term.

The new law deletes definitions for fumigants, insecticides, rodenticides, and repellents found in the old law.

COMMISSION. The old Structural Pest Control Board is now known in the new law as the Structural Pest Control Commission of Florida.

ENFORCEMENT. The State Board of Health is now empowered to proceed in the courts of the State by mandamus, injunction, or other actions for the enforcement of this measure or against any unauthorized person engaging in structural pest control. This feature was not clearly stated in the old law. One of the apparent salient features of the new law is its greater ease of enforceability.

RULES. The State Board of Health is now required to obtain the advice of the Commission before its Rules and Regulations become effective.

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1 A paper presented at the 42nd Annual Meeting of the Florida Entomological Society, Miami, Sept. 10-12, 1959.
2 Entomologist, Bureau of Entomology, Florida State Board of Health, Jacksonville.
3 Any person who violates any Structural Pest Control Rule of the State Board of Health is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than $100.00 or by imprisonment not exceeding five days or both in the discretion of the Court having jurisdiction.
and the Commission may make written recommendations to the State Board of Health concerning Board Rules. To formulate these recommendations, the Commission may appoint a supervisory committee or may hold public hearings or may counsel with the certified operators or the Florida Pest Control Association.

**INSPECTION.** As in the old law the State Inspectors enforce the measure and report all violations to the Board and Commission. As all the State Board of Health Regional Entomologists are appointed as Inspectors, they can also report violations, if necessary.

**LICENSES.** The fee for business license and for annual renewals thereof paid to the State Board of Health, which was formerly $25.00, has been reduced to $5.00 in the new law. The difference of $20.00 is now transferred to the fee for the renewal of structural pest control certificates, so that now the fee for the latter is $25.00 payable to the Commission. This change in the recipient of the larger revenue will enable the Structural Pest Control Commission to operate more effectively and freely in carrying out the provisions of the measure and in promoting structural pest control.

In the event of death, loss of certified operator or other emergency, the new law enables any one Commissioner to issue emergency certificates or special ID cards for a period of ten days upon request of the licensee. The Commission itself may renew these for additional periods of 90 days up to a maximum of one year, as in the old law.

**Occupational License.** The new law provides that no municipality or county shall issue an occupational license to any structural pest control business coming under the provisions of the Act, unless a license has first been procured for each business location from the State Board of Health. There is no such provision in the old law.

**Structural Pest Control Commission of Florida.** The new law gives the Commission more latitude in discharging its duties, such as meeting from time to time and from place to place and the power to establish and re-establish executive offices in any county. The Commission may also employ and at its pleasure discharge such employees as may be necessary. The Commission is enabled under the new law to obtain subpoenas through the courts for witnesses to appear before it.

**Certificate.** The annual renewal fee for the structural pest control certificate is now changed from $5.00 to $25.00 as referred to previously.

**Qualifications for Certification.** Under the new law, each applicant for certification must possess the following basic qualifications:

1. Three years as a service employee in structural pest control, one year of which must have been in this state immediately preceding application for certification.

2. A degree with advanced training or major in Entomology from a recognized college or university, together with six months practical experience in structural pest control in this state under proper supervision of a licensee.

3. Each applicant must have knowledge of practical and scientific facts of structural pest control.

In view of the power of the Commission to make necessary rules which are not inconsistent with those of the State Board of Health, it is very
probable that the Commission will relax these qualifications to require an applicant to possess either the first or the second prerequisites, in addition to passing a written examination. As the law now reads, it can be seen that the acquisition of a structural pest control certificate becomes very difficult.

**SPECIAL I D CARDS.** The new law differs from the old in providing for the issuance by the Commission of special I D cards in one or more categories of work to individuals who qualify under the measure. The Commission will give written examination to those who wish to qualify for these special “junior certificates.” The State Board of Health will provide for privileges, duties, and limitations regarding holders of special I. D. cards in its rules.

**LIENS ON REAL AND PERSONAL PROPERTY.** The new law differs from the old by enabling a structural pest control licensee to enforce a lien on real and personal property for any money that shall be owing it for labor or services performed or materials furnished.

**EXEMPTIONS.** The new law does not apply to the use of wood preservatives used only on wood, properly pretreated timber, properly pretreated lumber, or metal shields, when used in construction on structures. In addition, the Act does not apply to structural pest control, other than fumigation, performed by a person upon his own individual residence or property.

**THERMAL-AEROSOL LAW.** The provisions of the Thermal-Aerosol Act of 1949 will terminate as of January 1, 1965, at which time each thermal-aerosol certificate shall become void. The holders of these certificates are entitled to apply for examination in the category of general household pest control.

**GRANDFATHER CLAUSE.** The new law in effect prescribes three categories of work as opposed to four in the old law, viz. termites and wood-destroying organisms, fumigation and general household pests (includes rodents).

**SUMMARY**

The Florida Structural Pest Control Act of 1959 would appear to be more enforceable, thus enabling the State Board of Health to fulfill its duties and responsibilities more effectively and expeditiously; it facilitates and strengthens the functions of the Structural Pest Control Commission; and it liberalizes certain provisions of the law in certain respects favoring the structural pest control industry itself. It would surely seem to be the duty and obligation of every Entomologist, irrespective of specialization, to encourage, assist, and counsel the structural pest control industry to the end that it may some day become a universally self-regulating segment of commerce. The services offered by the pest control industry are based upon fundamental principles of applied entomology. The intrinsic value of applied entomology to man in modern day-to-day living should stand out, in part, in bold relief in the work performed by the pest control operator. By the same token the pest control industry is soundly indebted to the science of Entomology for its origin and present stature and has an obligation to support the science in every way possible.