

Bill No. CS for CS for SB 1904

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Thomas moved the following amendment:

Senate Amendment (with title amendment)

On page 19, between lines 24 and 25,

insert:

Section 21. Subsection (3) of section 487.041, Florida Statutes, is amended to read:

487.041 Registration.--

(3) The department shall adopt rules governing the procedures for pesticide registration and for the review of data submitted by an applicant for registration of a pesticide. The department shall determine whether a pesticide should be registered, registered with conditions, or tested under field conditions in this state. The department shall determine that all requests for pesticide registrations meet the requirements of current state and federal law. The department, whenever it deems it necessary in the administration of this part, may require the manufacturer or registrant to submit the complete formula, quantities shipped into or manufactured in the state for distribution and sale,

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1 evidence of the efficacy and the safety of any pesticide, and
2 other relevant data. The department may review and evaluate a
3 registered pesticide if new information is made available
4 which indicates that use of the pesticide has caused an
5 unreasonable adverse effect on public health or the
6 environment. Such review shall be conducted upon the request
7 of the Secretary of the Department of Health in the event of
8 an unreasonable adverse effect on public health or the
9 Secretary of the Department of Environmental Protection in the
10 event of an unreasonable adverse effect on the environment.
11 Such review may result in modifications, revocation,
12 cancellation or suspension of a pesticide registration.The
13 department, for reasons of adulteration, misbranding, or other
14 good cause, may refuse or revoke the registration of any
15 pesticide, after notice to the applicant or registrant giving
16 the reason for the decision. The applicant may then request a
17 hearing, pursuant to chapter 120, on the intention of the
18 department to refuse or revoke registration, and, upon his or
19 her failure to do so, the refusal or revocation shall become
20 final without further procedure. In no event shall
21 registration of a pesticide be construed as a defense for the
22 commission of any offense prohibited under this part.

23 Section 22. Subsection (6) is added to section
24 487.081, Florida Statutes, to read:

25 487.081 Exemptions.--

26 (6) The Department of Environmental Protection is not
27 authorized to institute proceedings against any property owner
28 or leaseholder of property under the provisions of s.
29 376.307(5) to recover any costs or damages associated with
30 pesticide contamination of soil or water, or the evaluation,
31 assessment, or remediation of pesticide contamination of soil

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1 or water, including sampling, analysis, and restoration of
2 soil or potable water supplies, subject to the following
3 conditions:

4 (a) The pesticide contamination of soil or water is
5 determined to be the result of the use of pesticides by the
6 property owner or leaseholder, in accordance with state and
7 federal law, applicable registered labels, and rules on
8 property classified as agricultural land pursuant to s.
9 193.461;

10 (b) The property owner or leaseholder maintains
11 records of such pesticide applications and such records are
12 provided to the department upon request;

13 (c) In the event of pesticide contamination of soil or
14 water, the department, upon request, shall make such records
15 available to the Department of Environmental Protection;

16 (d) This subsection does not limit regulatory
17 authority under a federally delegated or approved program; and

18 (e) This subsection is remedial in nature and shall
19 apply retroactively.

20 The department, in consultation with the Secretary of the
21 Department of Environmental Protection, may adopt rules
22 prescribing the format, content, and retention time for
23 records to be maintained under this subsection.

24
25 (Redesignate subsequent sections.)

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28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 On page 3, line 10, after the semicolon,

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1 insert:

2 amending s. 487.041, F.S.; authorizing the
3 department to review and evaluate registered
4 pesticides if new information is made available
5 indicating adverse effects on public health or
6 environment; amending s. 487.081, F.S.; waiving
7 liability for pesticide contamination when
8 pesticides are used in accordance with state
9 and federal law; providing for inspection of
10 records; providing rulemaking authority;
11 providing retroactive application;

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