

Bill No. CS for SB 2074, 1st Eng.

Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Dyer moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 18, between lines 26 and 27,		
15			
16	insert:		
17	Section 9. Subsection (6) is added to section 487.081,		
18	Florida Statutes, to read:		
19	487.081 Exemptions.--		
20	<u>(6) The Department of Environmental Protection is not</u>		
21	<u>authorized to institute proceedings against any property owner</u>		
22	<u>or leaseholder of property under the provisions of s.</u>		
23	<u>376.307(5) to recover any costs or damages associated with</u>		
24	<u>pesticide contamination of soil or water, or the evaluation,</u>		
25	<u>assessment, or remediation of pesticide contamination of soil</u>		
26	<u>or water, including sampling, analysis, and restoration of</u>		
27	<u>soil or potable water supplies, subject to the following</u>		
28	<u>conditions:</u>		
29	<u>(a) The pesticide contamination of soil or water is</u>		
30	<u>determined to be the result of the use of pesticides by the</u>		
31	<u>property owner or leaseholder, in accordance with state and</u>		

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1 federal law, applicable registered labels, and rules on
2 property classified as agricultural land pursuant to s.
3 193.461 or on an agricultural area as defined in s. 482.021;

4 (b) The property owner or leaseholder maintains
5 records of such pesticide applications and such records are
6 provided to the department upon request;

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

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

12 (e) This subsection is remedial in nature and shall
13 apply retroactively.

14
15 The department, in consultation with the Secretary of the
16 Department of Environmental Protection, may adopt rules
17 prescribing the format, content, and retention time for
18 records to be maintained under this subsection.

19
20 (Redesignate subsequent sections.)

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22
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On page 2, line 24, after the semicolon,

26
27 insert:

28 amending s. 487.081, F.S.; waiving liability
29 for pesticide contamination when pesticides are
30 used in accordance with state and federal law;
31 providing for inspection of records; providing

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1 rulemaking authority; providing retroactive
2 application;
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