

By Senator Silver

38-480-01

1 A bill to be entitled
2 An act relating to pest control; amending s.
3 482.242, F.S.; providing additional exceptions
4 to the state's preemption of pest-control
5 regulation; providing an effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Subsection (1) of section 482.242, Florida
10 Statutes, is amended to read:

11 482.242 Preemption.--

12 (1) This chapter is intended as comprehensive and
13 exclusive regulation of pest control in this state. The
14 provisions of this chapter preempt to the state all regulation
15 of the activities and operations of pest control services,
16 including the pesticides used pursuant to labeling and
17 registration approved under chapter 487. No local government
18 or political subdivision of the state may enact or enforce an
19 ordinance that regulates pest control, except that the
20 preemption in this section does not prohibit a local
21 government or political subdivision from enacting an ordinance
22 regarding any of the following:

23 (a) Local occupational licenses adopted pursuant to
24 chapter 205.

25 (b) Land development regulations adopted pursuant to
26 chapter 163 which include regulation of any aspect of
27 development, including a subdivision, building construction,
28 sign regulation or any other regulation concerning the
29 development of land, or landscaping or tree protection
30 ordinances which do not include pesticide application
31 restrictions.

- 1 (c) Regulations that:
- 2 1. Require annual termite inspections for termite
- 3 activity or damage, including Formosan termites;
- 4 2. Require pest control treatments of structures that
- 5 have termite activity or damage;
- 6 3. Require operators to use the best available
- 7 treatment and technology, in compliance with chapters 482 and
- 8 487; or
- 9 4. Authorize local governments and other political
- 10 subdivisions to provide programs that permit property owners
- 11 and other persons to contract with such local governments and
- 12 political subdivisions to obtain inspections and treatments
- 13 provided by persons licensed under chapter 482 or chapter 487.
- 14 ~~(d)~~ Protection of wellhead protection areas and
- 15 high recharge areas.
- 16 ~~(e)~~ Hazardous materials reporting as set forth in
- 17 part II of chapter 252, storage, and containment including as
- 18 relating to stormwater management.
- 19 ~~(f)~~ Hazardous material unlawful discharge and
- 20 disposal.
- 21 ~~(g)~~ Hazardous materials remediation.
- 22 Section 2. This act shall take effect July 1, 2001.

23
24 *****

25 SENATE SUMMARY

26 Authorizes local governments to enact ordinances that

27 provide additional exceptions to the state's preemption

28 of the regulation of pest-control activities.

29

30

31