

By the Committee on Agriculture and Consumer Services; and  
Senator Silver

303-1527-01

1                                   A bill to be entitled  
2           An act relating to pest control; amending s.  
3           482.2267, F.S.; providing for a physician  
4           licensed under ch. 459, F.S., to provide  
5           certification for purposes of placing a person  
6           on the registry for prior notification of the  
7           application of a pesticide or class of  
8           pesticides; amending s. 482.242, F.S.;  
9           providing additional exceptions to the state's  
10          preemption of pest-control regulation;  
11          providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15           Section 1. Subsections (1), (7), and (9) of section  
16           482.2267, Florida Statutes, are amended to read:

17           482.2267 Registry of persons requiring prior  
18           notification of the application of pesticides.--

19           (1) The department shall maintain a current registry  
20           of persons requiring prior notification of the application of  
21           pesticides. Upon request, the department shall register any  
22           person who pays an initial registration fee of \$50 and submits  
23           to the department a certificate signed by a physician licensed  
24           pursuant to chapter 458 or chapter 459, stating:

25           (a) That the physician has examined the person and  
26           determined that the placement of the person on the registry  
27           for prior notification of the application of a pesticide or  
28           class of pesticides is necessary to protect that person's  
29           health;

30           (b) Whether the physician is board certified by the  
31           American Board of Medical Specialties in allergy, toxicology,

1 or occupational medicine; the American Osteopathic Board of  
2 Preventative Medicine; or the American Osteopathic Board of  
3 Internal Medicine in Allergy and Immunology;

4 (c) The distance surrounding the person's primary  
5 residence for which the person requires prior notification of  
6 the application of a pesticide or class of pesticides in order  
7 to protect the person's health;

8 (d) The pesticide or class of pesticides for which the  
9 physician has determined that prior notification to the person  
10 is necessary to protect the person's health; and

11 (e) The license number of the physician.

12 (7) The application for registration and the  
13 physician's certificate required by this section must be in  
14 substantially the following form:

15  
16 APPLICATION FOR PRIOR NOTIFICATION OF PESTICIDE APPLICATIONS

17  
18 PART A (To be completed by applicant)

19 1. Applicant's Name: .....

20 2. Date of Birth: .....

21 3. Applicant's Residence Address (not Post Office Box):

22  
23 .....

24  
25 .....

26  
27 .....

28 4. Applicant's phone number: .....

29 5. I am applying to the Department to be placed upon the  
30 registry requiring prior notification of pesticide  
31 applications pursuant to Section 482.2267, Florida Statutes.

1  
2 .....  
3 Applicant's Signature                      Date  
4  
5 PART B (To be completed by the physician)  
6 I, the undersigned physician, certify to the following:  
7 1. I have examined the person making application above and  
8 have determined that his or her placement on the registry for  
9 prior notification of the application of the pesticide(s) or  
10 class of pesticides set forth below is necessary to protect  
11 that person's health.  
12 2.a. I  am,  am not, board certified and recognized by  
13 the American Board of Medical Specialties in one or more of  
14 the following medical specialties:  
15  Allergy  
16  Toxicology  
17  Occupational medicine  
18 b. I  am,  am not, board certified and recognized by  
19 the American Osteopathic Board of Preventative Medicine or the  
20 American Osteopathic Board of Internal Medicine in Allergy and  
21 Immunology.  
22 3. My license number is: .....  
23 4. The distance surrounding the person's primary residence  
24 for which the person requires prior notification of the  
25 application of the pesticide(s) or class of pesticides set  
26 forth below in order to protect the person's health is:  
27  
28 .....  
29 (Note: The distance specified shall be limited to those  
30 properties adjacent and contiguous to the person's primary  
31 residence unless the physician is board certified in one of

1 the specialties specified in paragraph 2 above. In any event,  
2 the distance may not exceed a 1/2 -mile radius of the  
3 boundaries of the property where the patient resides and must  
4 not exceed the minimum distance required to protect the  
5 applicant's health).

6 5. The pesticide(s) or class of pesticides for which I have  
7 determined that prior notification to the person of the  
8 application within the area indicated above is necessary to  
9 protect the person's health is (are):

10  
11 .....  
12 .....

13 Signature of Certifying Physician                      Date

14  
15 .....  
16 (Print name of Certifying Physician)

17           (9) False information knowingly provided shall be a  
18 misdemeanor of the second degree, punishable as provided in s.  
19 775.082 or s. 775.083, and information in such form or  
20 certificate that the licensed physician knows, or should have  
21 known to be false, is grounds for disciplinary action pursuant  
22 to s. 458.331 or s. 459.015.

23           Section 2. Subsection (1) of section 482.242, Florida  
24 Statutes, is amended to read:

25           482.242 Preemption.--

26           (1) This chapter is intended as comprehensive and  
27 exclusive regulation of pest control in this state. The  
28 provisions of this chapter preempt to the state all regulation  
29 of the activities and operations of pest control services,  
30 including the pesticides used pursuant to labeling and  
31 registration approved under chapter 487. No local government

1 or political subdivision of the state may enact or enforce an  
2 ordinance that regulates pest control, except that the  
3 preemption in this section does not prohibit a local  
4 government or political subdivision from enacting an ordinance  
5 regarding any of the following:

6 (a) Local occupational licenses adopted pursuant to  
7 chapter 205.

8 (b) Land development regulations adopted pursuant to  
9 chapter 163 which include regulation of any aspect of  
10 development, including a subdivision, building construction,  
11 sign regulation or any other regulation concerning the  
12 development of land, or landscaping or tree protection  
13 ordinances which do not include pesticide application  
14 restrictions.

15 (c) Regulations that:

16 1. Require annual termite inspections for termite  
17 activity or damage, including Formosan termites, which must be  
18 performed by a person licensed under this chapter or chapter  
19 487.

20 2. Require pest control treatments of structures that  
21 have termite activity or damage, which must be performed by a  
22 person licensed under this chapter or chapter 487.

23 3. Require property owners or other persons to obtain  
24 inspections or pest control treatments performed by a person  
25 licensed under this chapter or chapter 487.

26  
27 An ordinance by a local government or political subdivision  
28 which requires an annual inspection or pest control treatment  
29 must conform to current law.

30 ~~(d)(c)~~ Protection of wellhead protection areas and  
31 high recharge areas.

1           ~~(e)(d)~~ Hazardous materials reporting as set forth in  
2 part II of chapter 252, storage, and containment including as  
3 relating to stormwater management.

4           ~~(f)(e)~~ Hazardous material unlawful discharge and  
5 disposal.

6           ~~(g)(f)~~ Hazardous materials remediation.

7           Section 3. This act shall take effect July 1, 2001.

8  
9                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
10                           COMMITTEE SUBSTITUTE FOR  
11                           SB1052

12 Committee Substitute for Senate Bill 1052 is different from  
13 Senate Bill 1052 in that it:

14 Authorizes licensed osteopathic physicians to provide the  
15 certification required to include a person on the Pesticide  
16 Notification Registry, which is maintained by the Department  
17 of Agriculture and Consumer Services.

18 Provides additional exceptions to the state's preemption of  
19 pest-control regulation and ensures that the pest control  
20 inspections and treatments will be performed in accordance  
21 with current state law. It:

22 -- Requires annual termite inspections for termite activity  
23 or damage, including Formosan termites, performed by a  
24 person licensed under chapter 482 or chapter 487.

25 -- Requires pest control treatments of structures that have  
26 termite activity or damage performed by a person  
27 licensed under chapter 482 or chapter 487; and

28 -- Requires property owners or other persons to obtain  
29 inspections or pest control treatments performed by a  
30 person licensed under chapter 482 or chapter 487.

31 Requires an ordinance by a local government or other political  
subdivision which requires an annual inspection or pest  
control treatment to conform to current law.