

By Senator Collins

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1                   A bill to be entitled  
2           An act relating to products liability actions under  
3           the Florida Pesticide Law; creating s. 487.082, F.S.;  
4           prohibiting a products liability action from being  
5           brought or maintained under the Florida Pesticide Law  
6           unless certain conditions are met; prohibiting a  
7           products liability action based on failure to warn  
8           theory from being brought against certain pesticide  
9           manufacturers under certain circumstances; providing  
10          construction; providing an effective date.

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

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14           Section 1. Section 487.082, Florida Statutes, is created to  
15 read:

16           487.082 Products liability actions.-

17           (1) A products liability action, including a failure to  
18 warn, may not be brought or maintained against any distributor,  
19 dealer, applicator, registrant, or agricultural employer as  
20 defined in s. 487.2031 unless:

21           (a) The distributor, dealer, applicator, registrant, or  
22 agricultural employer exercised substantial control over the  
23 aspect of the design, testing, manufacture, or labeling of the  
24 product that caused the alleged harm for which recovery of  
25 damages is sought;

26           (b) The distributor, dealer, applicator, registrant, or  
27 agricultural employer altered or modified the product, and the  
28 alteration or modification was a substantial factor in causing  
29 the alleged harm for which recovery of damages is sought;

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30       (c) The distributor, dealer, applicator, registrant, or  
31 agricultural employer handled, used, or applied the product in a  
32 manner inconsistent with the product label and such action or  
33 failure to warn, caused the alleged harm for which recovery of  
34 damages is sought; or

35       (d) The manufacturer of the product that caused the alleged  
36 harm for which recovery of damages is sought is not subject to  
37 the jurisdiction of this state.

38       (2) (a) A products liability action based on a failure to  
39 warn may not be brought or maintained against a manufacturer for  
40 any pesticide registered with the United States Environmental  
41 Protection Agency Federal Insecticide, Fungicide, and  
42 Rodenticide Act (FIFRA), 7 U.S.C. ss. 136 et seq., if the label  
43 is:

44       1. Approved by the United States Environmental Protection  
45 Agency;

46       2. Consistent with the most recent human health assessment  
47 performed under FIFRA; or

48       3. Consistent with the United States Environmental  
49 Protection Agency carcinogenicity classification of the  
50 pesticide under FIFRA.

51       (b) A label described in paragraph (a) satisfies any  
52 requirement for a warning label regarding health or safety, or  
53 any other provision of general law.

54       Section 2. This act shall take effect July 1, 2025.