



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER ADAM H. PUTNAM

September 16, 2014

Ms. Jamie L. Jackson
Senior Attorney
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1400

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2014 SEP 29 AM 10:04
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE

**RE: Department of Agriculture and Consumer Services
Rule Chapter 5B-62**

Dear Ms. Jackson:

First, we'd like to welcome you to your new position. We look forward to working with you. In response to your subject letter of June 2, 2014, we offer the following revisions reflected in the attached Notice of Change:

- 5B-62.001:** Section 570.0705, F.S., has been removed from the law implemented portion of the rule.
- 5B-62.001(1)(b):** We edited the word "which" to "that".
- 5B-62.001(1)(c):** We edited the phrase "which meet" to "that meets".
- 5B-62.001(1)(h):** We edited the word "which" to "that".
- 5B-62.001(1)(hh):** In this definition, unthrifty means a tree that does not flourish with fruit. We edited this word to unhealthy. "Unthrifty" was also edited to "unhealthy" in 5B-62.017(7)(d), F.A.C. The word "has" was removed.
- 5B-62.001(1)(zz):** We corrected this definition.
- 5B-62.001(1)(ccc):** We added language that shows the manual is incorporated in Rule 5B-62.004, F.A.C.

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- 5B-62.003:** The title “Nematodes” for 5B-62.003(2), F.A.C., was inadvertently omitted in this structure. It has now been put back in place. Section 570.0705, F.S., has been removed from the law implemented portion of the rule.

- 5B-62.004:** We have stricken section 570.0705, F.S., from the list of laws implemented. We corrected the title for the Citrus Nursery Stock Certification Manual, Revised 03/14.

- 5B-62.005:** We have stricken section 570.0705, F.S., from the list of laws implemented. FDACS-08084, Rev. 05/12, FDACS-08014, Rev. 05/12, FDACS-08038, Rev. 5/12, and FDACS-08004, Rev. 05/14 have been incorporated by reference. The older versions of these forms in Rule Chapters 5B-2 and 5B-3, F.A.C., will be updated in an upcoming rulemaking.

- 5B-62.006:** We have stricken section 570.07(23), F.S., from the list of laws implemented.

- 5B-62.007:** We have stricken section 570.0705, F.S., from the list of laws implemented.

- 5B-62.007(2)(a):** The revision date in the rule text for FDACS-08004 has been amended to 5/14, and this version of the form has been incorporated by reference in 5B-62.005, F.A.C.

- 5B-62.008:** We have stricken section 570.0705, F.S., from the laws implemented.

- 5B-62.008(1):** We removed the reference to Rule Chapter 5B-3, F.A.C., as that reference is out-dated.

- 5B-62.008(4):** We amended adequate to designated in this rule text.

- 5B-62.008(6):** We amended this rule text for clarity.

- 5B-62.009:** We agree and updated the rulemaking authority to include section 581.1843(3), F.S., and the laws implemented to include 570.07(13), F.S. and 581.031(1), F.S.

- 5B-62.009(1)(b):** We removed the wording “if possible”.

- 5B-62.009(3)(b):** Rule 5B-62.010, F.A.C., applies to nursery structures rather than soil. We amended the sentence structure to clarify this meaning. The list of decontaminates provided via the link are offered as suggestions. They are not the only decontaminates that could be approved. Any decontaminate labeled for use as an antimicrobial would be approved.

- 5B-62.009(4):** We inserted “the” before the word “burrowing”. There is no standard form for the letter mentioned in this rule.
- 5B-62.010:** We included section 581.1843(3), F.S. in this rulemaking authority as this rule addresses citrus nursery structure conditions. We have stricken section 570.0705, F.S., from the laws implemented.
- 5B-62.010(2):** We corrected “a” to “an”.
- 5B-62.010(2)(c):** The release from quarantine is based on the eleven factors listed in 5B-62.024(2), F.A.C. We added this information into this subsection.
- 5B-62.010(2)(d):** We corrected the sentence structure to include “may be”.
- 5B-62.011:** We have stricken section 570.0705, F.S., from the laws implemented.
- 5B-62.012:** We have stricken section 570.0705, F.S., from the laws implemented.
- 5B-62.013:** We have stricken section 570.0705, F.S., from the laws implemented.
- 5B-62.013(1):** We corrected grammar and language.
- 5B-62.013(4):** We corrected the list of endemic diseases as it appears in Rule 5B-62.003(3)(b), F.A.C..
- 5B-62.013(6):** The Notice of Proposed Rule is correct.
- 5B-62.014:** We have stricken section 570.0705, F.S., from the laws implemented.
- 5B-62.015:** We have stricken section 570.0705, F.S., from the laws implemented.
- 5B-62.015(3) and (4):** These subsections refer to the department. We reworded these rules to convey that message.
- 5B-62.016:** We have stricken section 570.0705, F.S., from the laws implemented.
- 5B-62.016(7):** This subsection refers to the department. We reworded these rules to convey that message.
- 5B-62.017:** We have stricken through section 570.0705, F.S., from the laws implemented.

- 5B-62.018:** We have stricken through section 570.0705, F.S., from the laws implemented.
FDACS-08038, Rev. 05/12, has been incorporated in 5B-62.005, F.A.C.
- 5B-62.019:** We have stricken section 570.0705, F.S., from the laws implemented.
- 5B-62.019(1), (2), and (5):** We have stricken section 570.0705, F.S., from the laws implemented. Per your request, please find a copy of FDACS-08038 attached.
- 5B-62.020:** We have stricken section 570.0705, F.S., from the laws implemented.
- 5B-62.021:** Subsections 570.0705, F.S., does not appear in the laws implemented for this rule. We added Section 581.031(1), F.S., to the laws implemented portion of this rule.
- 5B-62.023:** We have stricken section 570.0705, F.S., from the laws implemented. We corrected the hyphen reference.
- 5B-62.024:** We have stricken section 570.0705, F.S., from the laws implemented.
- 5B-62.024(1):** We removed the hyphen in the form title. We amended the “and/or” segment of this sentence for clarity.
- 5B-62.024(2)(a):** We revised “existed” to “existing”.
- 5B-62.025:** We have stricken section 570.0705, F.S., from the laws implemented.
- 5B-62.026:** We have stricken section 570.0705, F.S., from the laws implemented.
- 5B-62.026(4):** We corrected this sentence to reflect the correct compliance agreement title.
- 5B-62.026(6):** We amended this sentence structure.
- 5B-62.027:** We have stricken section 570.0705, F.S., from the laws implemented.
- 5B-62.028:** We have stricken section 570.0705, F.S., from the laws implemented.
- 5B-62.028(7):** Parent Tree testing is not an official program but is referred to that as an important part of the bureau’s work. We removed the “program” reference to clarify our meaning.

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5B-62.028(8): This rule is in reference to 5B-62.028(13), F.A.C. Please see corrected proposed text.

5B-62.028(11): We corrected this sentence structure.

Incorporated Materials:

FDACS-08072: We corrected the revision date for FDACS-08172 to 03/14 and added a reference to the incorporating rule.

FDACS-08318: Page 2 of 4, Section C.1., and Section D.1.a.:
The incorporated language is included in the heading, located beneath the title of the form.

Section D.1.b.:

Section 120.54, F.S., describes the department's rulemaking authority and provisions. Commissioner Putnam appoints committee members based on Chapter 570.0705, F.S. We confer with the Citrus Budwood Technical Advisory Council to gain input on regulatory changes that could affect industry stakeholders based on their hands-on experience with Florida's agricultural industry.

Please find the attached Citrus Budwood Testing Manual, Rev. 03/14, to include the following edits:

Page 2 of 7: These citations are corrected.

Page 3 of 7: These citations are corrected.

Page 4 of 7: Section IV.A.1: We reworded this section for clarity.

Section IV.A.2.: We corrected this section.

Section IV.A.3. and 5.: We edited these areas to describe the acronyms and provide clarity.

Page 5 of 7: We edited this title to "Pertinent Literature".

Please find the attached Citrus Nursery Stock Certification Manual, Rev. 03/14, to include the following edits:

Page 3, 3.b: IFAS means Institute of Food and Agricultural Sciences; a section of the University of Florida. We spelled this out and placed the acronym in parentheses.

Page 5: We corrected the title and revision date referenced for FDACS-08084.

Page 6: Personnel and Visitors: This is a list of recommended decontaminates as mentioned in Rule 5B.62.009(3)(b), F.A.C., and is a suggestion of decontaminates that could be considered. It is not intended to be an all inclusive list.

Pest Monitoring: Monitoring tools are optional. It is not a firm directive that the department will use monitoring tools to determine the structure integrity; therefore we revised the wording to say the department “may” use monitoring tools.

Page 7: We updated this section as the reference to the testing manual was inaccurate.

Page 9: We removed the extra period between the two sentences.

Page 10: We corrected the formatting.

Page 13: We corrected this reference.

Page 14: We corrected both instances of these form references.

Page 15: We corrected these parentheses.

Page 16: We corrected the form title.

Page 17: FDACS-08038, Rev. 05/12, has been incorporated by reference in 5B-62.005, F.A.C.

Page 18: We corrected this reference.

Page 19: We corrected these grammar and sentence structures.

Page 22: FDACS-08014, Rev. 05/12, has been incorporated by reference in 5B-62.005, F.A.C. We corrected the title reference for phytosanitary certificate.

Page 24: List of forms: We reworded the manual to “commonly used forms” as opposed to “incorporated in” language.
FDACS-08004: We corrected the revision date for FDACS-08004.
FDACS-08016: We corrected this form title in our manual.
FDACS-08319: We removed the second listing.
FDACS-08038: Rule 5B-2, F.A.C., will undergo review with an anticipated adoption date of December 2014.
We also removed the extraneous periods at the end of the listed form titles.

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We appreciate your time in reviewing our proposed rule text and reference materials. Feel free to contact me if you have further questions or concerns.

Sincerely,



Richard Gaskalla
Division Director

RDG/dh

Attachments

cc: Mr. Steven Hall

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