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KENNETH J. PLANTE
COORDINATOR
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-1400
Telephone (850) 488-9110
Fax (850) 922-6934
www.japc.state.fl.us
joint.admin.procedures@leg.state.fl.us

THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

September 30, 2014

Mr. Richard D. Gaskalla
Division Director
Florida Department of Agriculture and Consumer Services
Division of Plant Industry
P.O. Box 147100
Gainesville, Florida 32614-7100

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

Dear Mr. Gaskalla:

I have reviewed the Notice of Change published on September 26, 2014 and related incorporated material, regarding the above-referenced rule chapter and offer the following comments for your consideration and response.

5B-62.005:

Due to the inclusion of the four new forms as incorporated material, it appears that updates are necessary to both the rulemaking authority and law implemented citations of this rule.

Rulemaking Authority

It appears that sections 581.031(4) and (23), Florida Statutes, should be included as citations for rulemaking authority.

Law Implemented

It appears that sections 581.031(15), 581.131, and 581.182, Florida Statutes, should be included as citations for laws implemented.

Section 570.0705, Florida Statutes, should be stricken as a law implemented as indicated in your response.

5B-62.005(1)(m):

FDACS 08318

Page 2: Although the response indicates that the incorporative reference for the two cross-referenced forms (FDACS 08172 and FDACS 08274) is included in the header of the rule, that citation provides a reference to where this form, FDACS 08318, is incorporated, and not these two cross-referenced forms. While it may be the same rule, the initial reference is not clearly associated with these forms. In section C.1., please include a citation to the rule that incorporates this referenced form (FDACS 08172).

In section D.1.a., please include a citation to the rule that incorporates this referenced form (FDACS 08274). Additionally, the version of this form that is referenced in this form does not coincide with the version that is incorporated in rule 5B-62.005(1)(k), Florida Administrative Code, and that was originally provided for review. If the version referenced in this form with an effective date of 03/14 is the version utilized by the Department, then the reference in the incorporating rule will need to be updated and a copy will need to be provided.

If you have questions, please do not hesitate to contact me. Otherwise, I look forward to your written response.

Sincerely,



Jamie L. Jackson
Senior Attorney

cc: Steven Hall, Senior Attorney