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THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

January 22, 2021

Mr. Bill Bartnick
Department of Agriculture and Consumer Services
The Mayo Building
407 South Calhoun Street,
Tallahassee, FL 32399-0800

**RE: Department of Agriculture and Consumer Services
Rules 5M-1.001, .008, and .009**

Dear Mr. Bartnick:

I have reviewed the above-referenced rules and offer the following comments for your consideration and response:

5M-1.001: Law Implemented
It appears that section 403.067(7)(d)3., F.S., should be cited as a law implemented by the content of this rule.

5M-1.008: Law Implemented
It appears that section 403.067(7)(d)3., F.S., should be cited as a law implemented by the content of this rule.

5M-1.008(4): Incorporated Material—Nutrient Application Record, form FDACS-04005

Footer: Please be aware that the footer indicating the page numbers of the form is incomplete.

P.1: The first paragraph of this form references an effective date of the form that is inconsistent with what is being utilized in the rule text. Please update for consistency. Additionally, this paragraph references an alternate submission process requiring a signature "attesting" to the information provided. It does not appear that this form requires an attestation. Please revise this language for clarity.

5M-1.009: Law Implemented

It appears that section 403.067(7)(d)3., F.S., should be cited as a law implemented by the content of this rule.

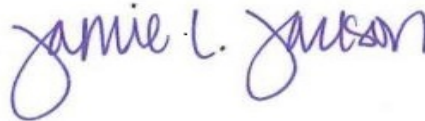
5M-1.009(1)(a): Amendments to this paragraph replace the requirement for “full” implementation with “proper” implementation. Has the Department set forth what it considers proper implementation to be for the purposes of complying with this requirement? See § 120.52(8)(d), Fla. Stat. (2020). Please review and advise.

5M-1.009(1)(b): Please see the comment above for rule 5M-1.009(1)(a).

5M-1.009(2): Please see the comment above for rule 5M-1.009(1)(a), as it relates to the use of “properly” in this subsection.

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

Sincerely,



Jamie L. Jackson
Chief Attorney

cc: Kylie Werk, Office of General Counsel