

NOTICE OF PROPOSED RULE

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DIVISION OF AGRICULTURAL ENVIRONMENTAL SERVICES

RULE NO.:                      RULE TITLE:

5E-1.003                      Labels or Tags

PURPOSE AND EFFECT: To update the revision dates for forms DACS-13220 and DACS-13203 to reflect the current form.

SUMMARY: The revision dates for forms DACS-13220 and DACS-13203 are being updated to reflect the current form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency. Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 570.07 (23); 576.181, F.S.

LAW IMPLEMENTED: 576.021; 576.031; 576.181, F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Bruce Nicely, Chief, Bureau of Compliance Monitoring; 3125 Conner Boulevard, Building #8, Tallahassee, Florida, 32399; (850) 488-8731.

THE FULL TEXT OF THE PROPOSED RULE IS:

**5E-1.003 Labels or Tags.**

(1) – (6) No changes.

(7) REGISTRATION OF SPECIALTY FERTILIZER PRODUCTS. All specialty fertilizers to be sold within the state must be registered with the Bureau of Compliance Monitoring prior to any sale. Each product will be registered by filing the properly completed appropriate form with the Bureau. Only one form will be submitted for each product. Specialty fertilizer packaged, marketed, and distributed for home and garden use and packaged in quantities of forty-nine pounds or less (Specialty Fertilizer) will be registered upon the filing of properly completed Application for Specialty Fertilizer Registration, ~~(Fertilizer Form DACS-13220, Rev. 06/07~~ 07/09 and Application for Registration of Specialty Fertilizer, (Fertilizer Form DACS-13203, Rev. 06/01 06/08., which is hereby incorporated by reference. Copies may be obtained from the Division of Agricultural Environmental Services, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building 8, Tallahassee, Florida ~~32399-1650.~~

(8) LICENSEE.

(a) Any person whose name is on a fertilizer label and who guarantees the fertilizer must obtain a license prior to distribution of that fertilizer to a non-licensee.

(b) A license will be granted upon receipt of a properly executed Application for Fertilizer License, ~~(Fertilizer Form DACS-13222, Rev. 5/03.)~~, which is hereby incorporated by reference. Copies may be obtained from the Division of Agricultural Environmental Services, Bureau of Compliance

~~Monitoring, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399-1650.~~

(9) All forms and filing specifications contained in this rule are hereby adopted and incorporated by reference and may be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building 6, Tallahassee, Florida, 32399-1650; (850) 488-8731 or by visiting the Department's website at <http://www.doacs.state.fl.us/onestop/aes/fertilizer.html#forms>.

*Specific Authority 570.07(23), 576.181 FS. Law Implemented 576.021, 576.031, 576.181, FS. History— Revised 1-23-67, Amended 10-22-68, 1-1-77, 3-27-77, Formerly 5E-1.03, Amended 8-3-93, 7-9-95, 10-25-98, 12-31-07, \_\_\_\_\_-09.*

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mr. Anderson H. Rackley, Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

Charles H. Bronson, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 10/08/09

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: 07/24/09