



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

December 1, 2011

Mr. Ken Plante
Coordinator
Joint Administrative Procedures Committee
111 W. Madison Street
Tallahassee, Florida 32399-1400

Re: Sections 120.745 and 120.74, Florida Statutes, Rule Review

Dear Mr. Plante:

Pursuant to the requirements of Section 120.745, Florida Statutes, I certify to the Committee that the Department of Agriculture and Consumer Services has completed the report required for all rules of the agency, including each separate rule part or subsection. The report has been posted on the Department's website and can be accessed at:
http://www.freshfromflorida.com/enhanced_biennial_rule_review.html.

In addition, pursuant to the requirements of Section 120.74, Florida Statutes, each division of the Department has performed a review of its rules with consideration given to the factors identified in subsection (1) of the statute. Based on the results of the reviews, I certify that the Department of Agriculture and Consumer Services has complied with the requirements of Section 120.74, Florida Statutes. A copy of each report from the Department responding to the requirements of Sections 120.74(1)(a)-(g), Florida Statutes, is enclosed with this letter.

As a former member of the Joint Administrative Procedures Committee, I am well aware that some state rules are duplicative, obsolete or unnecessarily burdensome on the state's residents and businesses. This is why I fully support and welcome the comprehensive and detailed inspection and review of the Department's rules. I believe that no industry, profession or occupation should be regulated in a way that unnecessarily or adversely prohibits entry into the practice of the profession or limits the availability of services to the public, or that causes expenses to be imposed on businesses. I further believe that the industries that we regulate and the consumers of this state deserve a regulatory process that is efficient, effective and understandable.



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The enhanced biennial rule review of the Department's 858 rules identified 235 rules and rule subparts that meet the criteria for a Compliance Economic Review. As directed by the statute, these rules have been divided into two groups for further economic review, the results of which will be published as directed by the statute. Our review also identified 31 rules as no longer necessary or duplicative and therefore will be repealed. We identified two rules that potentially may be amended to reduce economic impacts to small business. Finally, the enhanced rule review revealed to us that 234 of our rules are categorized as a "revenue rule" and 492 of our rules are "data collection rules."

Pursuant to the formal biennial rule review, the Department reviewed each of its rules to identify and correct any deficiencies, identify ways to clarify and simplify the rules, identify obsolete, unnecessary or redundant rules, and identify ways to improve efficiency, reduce paperwork, or decrease costs to government and the private sector. As a result of that review, we identified 66 rules to be amended or repealed. Many of the necessary amendments identified are for clarification purposes or required updates. For example, several rules that pertain to our Division of Standards will be amended in order to update fuel quality and brake fluid standards.

This Department remains ever mindful of the importance of maintaining a streamlined body of administrative rules. We are appreciative of the opportunity that these rule reviews have afforded us, and we remain committed to achieving government accountability to those we regulate and to the consumers of this state.

Sincerely,



Adam H. Putnam
Commissioner of Agriculture

Enclosure

cc: Senate Committee on Agriculture
Senate Committee on Commerce
House Committee on State Affairs, Subcommittee on Agriculture and Natural Resources



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

May 1, 2012

Mr. Ken Plante, Coordinator
111 West Madison Street
Tallahassee, Florida 32399-1400

Dear Mr. Plante:

As you know, on December 1, 2011, the Department of Agriculture and Consumer Services completed its enhanced biennial rule review of the Department's 837 rules as required by Section 120.745, Florida Statutes. The rule review identified 235 rules and rule subparts that met the criteria for a Compliance Economic Review and pursuant to Section 120.745(5), Florida Statutes, those 235 rules and rule subparts were divided into two groups for further review. Today, May 1, 2012, the Department posted on its website 131 "Group 1" Compliance Economic Review reports which analyze 184 rules and rule subparts in accordance with Section 120.745(1)(b), Florida Statutes.

Accordingly, I hereby certify to the Committee that the Department of Agriculture and Consumer Services has completed a Compliance Economic Review report for each rule and rule subpart listed by the Department in its Enhanced Biennial Review Report as "Group 1" as required by Section 120.745(2)(g), Florida Statutes. Each report has been posted on the Department's website and can be accessed at http://www.freshfromflorida.com/enhanced_biennial_rule_review.html. The Compliance Economic Review reports for "Group 2" rules and rule subparts will be posted on the Department's website by May 1, 2013.

The Department maintains a close working relationship with its regulated industries. As each report was prepared, we relied upon information supplied by industry groups and individual regulated entities to compile a good faith estimate of regulatory costs. This information was used to confirm that no rule or rule subpart is directly or indirectly likely to have an adverse impact on economic growth, job creation, or business competitiveness in excess of \$1 million within 5 years of July 1, 2011. The review also confirmed that the Department's fees and the cost of compliance with the Department's rules for a regulated entity remain low.



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The Department continues to welcome the comprehensive inspection of our rules and in particular, we welcome the opportunity to conduct this review of the potential economic impact of our rules on the industries we regulate. I am especially pleased with the determination of this review that none of the rule or rule subparts reviewed are economically burdensome or likely to have an adverse impact on economic growth, job creation, and business competitiveness. As ever, we remain committed to government accountability to those we regulate and to providing a regulatory process that is efficient, effective, and understandable.

Sincerely,



Adam H. Putnam
Commissioner of Agriculture