

0070107 LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC  
COMMENTS FROM INTERNAL/INDUSTRY REVIEW

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Comment: (12-19-13)

1st paragraph - we need to change the website to: <http://www.freshfromflorida.com/Agriculture-Industry/Search-by-Industry/Pesticides>. DOA has changed their web link.

Response: Agree. Change made.

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Neil Monkman  
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Comment: (12-26-13)

I feel the addition of fertilizer requirements is an excellent improvement to the specification. With the environment being of the utmost importance, this will not only ensure that Contractors are applying the chemicals correctly, it will also allow Contractors to ensure subcontractors comply. The only question I have is this: Should the specification also contain verbiage to adhere to a specific county or city ordinance regarding when specific types of fertilizers can be used (i.e. nitrogen)? This can be a conflict if fertilizers are required, but at the same time is prohibited by local ordinance.

Response: 7-1.1 already contains language that directs the Contractor to “become familiar with and comply with all Federal, State, county and city laws, bylaws and regulations that control the action or operation of those engaged or employed in the work...”  
No change made.

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Patel, Shailesh  
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Comment: (1-6-14) The Florida Statute (482.1562) is set up for pesticide (herbicide) and not specifically for fertilizer. Our current maintenance procedure for pesticide applications (herbicide) require that the applicator be licensed in core, right of way and aquatics per section 5E-9 of the Florida Administrative Code. These requirements are similar to what is noted in the proposed change. Based on this, I would recommend that the language be changed to accommodate our current license procedure. This would eliminate the need for additional certifications that we already have or you could make the requirement an either/or so you don't duplicate requirements. You may review procedure 850-000-015, section 3.5 for additional information. Also review section 5E-9.019, 5E-9.021 and 5E-9.034 of the F.A.C. These will give direction that the Department is currently following.

Response: Florida Statute 482.1562 specifically refers to a limited certification for urban landscape commercial fertilizer application. This is a new requirement that is different from current pesticide application requirements.

<p><b>482.1562 Limited certification for urban landscape commercial fertilizer application.—</b> (1) To provide a means of documenting and ensuring compliance with best management practices for commercial fertilizer application to urban landscapes, the department shall establish a limited certification for urban landscape commercial fertilizer application.</p>
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No change made.

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