

- 2. Neonatal resuscitation program;
- 3. Pediatric advanced life support.

(f) Successful passage, one time per biennium, of the following recredentialing examinations given by the National Board for Respiratory Care (NBRC);

- 1. Clinical Simulation Recertification Examination—maximum 4 hours;
- 2. Registry Recredentialing Examination (written portion) – maximum of 2 hours;
- 3. Certified Respiratory Therapist Recredentialing Examination – maximum of 3 hours;
- 4. Perinatal Pediatrics Recredentialing Examination – maximum of 3 hours;
- 5. Pulmonary Function: Certified pulmonary function technologist and registered pulmonary function technologist recredentialing examinations – maximum of 2 hours.

(g) Attendance at scheduled public meetings of the Board of Respiratory Care, up to a maximum of 8 hours per biennium.

(3) A minimum of 16 hours each biennium must be obtained by each licensee in approved offerings related to the direct delivery of respiratory care services. No more than 8 hours of non direct patient care appropriate continuing education in the areas of management, risk management, personal growth, and education techniques will be acceptable for the purpose of biennial renewal of a license. Up to 12 hours per biennium may be home study courses.

(4) Each licensee who is presenting a continuing education course as either the lecturer of the offering or as author of the course materials may earn a maximum 12 contact hours of continuing education credit per biennium. Each licensee who is either participating as a lecturer of a continuing education course or an author of a continuing education program may receive credit for the portion of the offering he/she presented or authored to the total hours awarded for the offering.

(a) Continuing education credit may be awarded to a lecturer or author for the initial presentation of each program only; repeat presentations of the same continuing education course shall not be granted credit.

(b) In order for a continuing education credit to be awarded to each licensee participating as either faculty, or author, the format of the continuing education program must conform with all applicable sections of this rule chapter.

(c) Continuing education credit for publications is limited to continuing education offerings.

(d) The number of contact hours to be awarded to each licensee who participates in a continuing education program as either a lecturer or author is based on the 50 minute contact hour employed within this rule chapter.

Specific Authority 468.353(1), 468.361(2) FS. Law Implemented 468.361(2) FS. History—New 4-29-85, Formerly 21M-38.04, Amended 9-29-86, 11-29-88, 9-24-92, 10-15-92, Formerly 21M-38.004, Amended 1-2-94, 7-10-94, Formerly 61F6-38.004, Amended 11-1-94, 3-14-95, 7-18-95, 4-24-96, 8-27-96, Formerly 59R-78.004, 64B8-75.004, Amended 6-8-00, 5-7-01, 1-22-03, 7-29-03, 5-31-04,_____.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: RULE TITLE:
69O-207.002 Electronic Filing

PURPOSE AND EFFECT: To require electronic filing of financial reports and associated filings for specialty insurers regulated by Specialty Product Administration.

SUBJECT AREA TO BE ADDRESSED: Electronic Filing.

SPECIFIC AUTHORITY: 624.308, 624.424, 626.89, 626.9913, 626.99175, 627.836, 634.137, 634.313(5), 634.415, 651.026 FS.

LAW IMPLEMENTED: 626.89, 626.9913, 626.99175, 627.828, 627.838, 634.137, 634.313, 634.415, 642.0301, 651.026 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 19, 2006, 1:30 p.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sandra DuPont, Specialty Product Administration, Office of Insurance Regulation, E-mail: sandra.dupont@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
Proposed Rules**

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: RULE TITLE:
2A-8.005 Adjustments to Reflect Consumer
 Price Index

PURPOSE AND EFFECT: The proposed rule amendments reflect changes to the Consumer Price Index for payment of benefits.

SUMMARY: The proposed rule amendments set forth the changes to the Consumer Price Index for payment of benefits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 112.19 FS.

LAW IMPLEMENTED: 112.19 FS.

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: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2A-8.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.19(2)(j), Florida Statutes, requires the Bureau to adjust the statutory amount on July 1 of each year based on the Consumer Price Index for all urban consumers published by the United States Department of Labor, using the most recent figures available. The Bureau will utilize the previous March Consumer Price Index published by the United States Department of Labor and the benefits shall be adjusted from the benefit amount of the year before.

(2) The Consumer Price Index amount in March 2006 ~~2005~~ was 3.4 ~~3.1~~ percent. Therefore, the statutory amount for the period July 1, 2006 ~~2005~~ through June 30, 2007 ~~2006~~, is:

- (a) For those benefits paid or to be paid under paragraph (a) of subsection (2); \$55,835.12 ~~\$53,999.14~~.
- (b) For those benefits paid or to be paid under paragraph (b) of subsection (2); \$55,835.12 ~~\$53,999.14~~.
- (c) For those benefits paid or to be paid under paragraph (c) of subsection (2); \$167,505.33 ~~\$161,997.42~~.

Specific Authority 112.19 FS. Law Implemented 112.19 FS. History—New 12-10-03, Amended 8-17-04, 7-26-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Nuss, Chief, Bureau of Criminal Justice Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rick Nuss, Chief, Bureau of Criminal Justice Programs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 5, 2006

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF ELDER AFFAIRS

Aging and Assisted Living Programs

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
58A-14	Adult Family Care Home
RULE NOS.:	RULE TITLES:
58A-14.003	License Application, Renewal and Conditional Licenses
58A-14.008	Staff Qualifications, Responsibilities and Training
58A-14.0085	Records
58A-14.0091	Fire Safety Standards and Emergency Procedures

PURPOSE AND EFFECT: The proposed rule amendments were developed in consultation with the Agency for Health Care Administration (AHCA). The proposed amendment to Rule 58A-14.003, F.A.C., revises and clarifies where to obtain the Adult Family Care Home (AFCH) License application, AHCA Form 3180-1022, dated January 2006, which is incorporated by reference in the rule. Language is added to require AFCH providers to submit copies of their annual fire safety and sanitation inspection reports to AHCA and lists the remedies for failure to comply with this requirement. The proposed amendment to Rule 58A-14.008, F.A.C., deletes the requirement that AFCH providers attend update training for any portion of the basic course that has been updated as the result of new legislation or rule amendment. The proposed amendment to Rule 58A-14.0085, F.A.C., requires all AFCH providers to maintain a record of each fire exit drill on Form D14-1437 pursuant to Rule 69A-57.006, F.A.C. The proposed amendment to Rule 58A-14.0091, F.A.C., deletes obsolete references and updates the rule to require that each AFCH provider shall be subject to Chapter 69A-57, Uniform Fire Safety Standards for Adult Family Care Homes, F.A.C. Additionally, the amendment to Rule 58A-14.0091, F.A.C., outlines the AFCH provider’s responsibility for providing information to a resident’s essential medical service providers during and after a declared disaster or emergency.

SUMMARY: The proposed rule amendments revise the application, renewal, and conditional license form and the licensure process; staff qualifications, responsibilities, and training; records; and fire safety standards and emergency procedures for AFCH providers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 400.619, 400.621, 400.6211, 400.625 FS.

LAW IMPLEMENTED: 400.619, 400.6194, 400.6196, 400.621, 400.6211, 400.625, 400.628 FS.

IF REQUESTED IN WRITING 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 RULES IS: Jim Crochet, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000. E-Mail address: crochetj@elderaffairs.org

THE FULL TEXT OF THE PROPOSED RULES IS:

58A-14.003 License Application, Renewal and Conditional Licenses.

(1) LICENSE APPLICATION.

(a) Any individual desiring to obtain an initial license to operate an adult family care home shall file an Adult Family Care Home License application, AHCA Form 3180-1022, January 2006 August 2003, which is incorporated by reference, and may be obtained from with the Assisted Living Unit, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 30, Tallahassee, Florida 32308-5402, phone (850)487-2515. The completed application must be signed by the applicant, notarized, and submitted to the Assisted Living Unit at the address cited above. The application shall be accompanied by the following:

1. A completed ~~Request for~~ Level 1 Criminal History ~~Request Screening~~, AHCA Form 3110-0002, July 2005 January 2003 for the applicant, each relief person, all adult household members, and all staff; The form which is incorporated by reference and, available from the Background Screening Unit, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5402, phone (850)410-3400, for the applicant, each relief person, all adult household members, and all staff. A check or money order must be submitted to cover the cost of each criminal history request. The completed form and screening fee will not be required for persons who comply with the requirements pursuant to Section 400.619(4)(a)(b), F.S.:

~~a. Submit proof of Level I screening conducted within the last 5 years pursuant to a facility or professional license requirement of AHCA or the Department of Health and provide a copy of the professional or facility license, and an affidavit of current compliance with the background screening requirements of Section 435.03, F.S.; or~~

~~b. Have been continuously employed in the same type of occupation for which the person is seeking employment without a break in service that exceeds 180 days, and can provide proof that level 1 background screening has been conducted within the last 2 years. Proof of compliance must be obtained by the applicant from the person's previous employer and not from the person.~~

2. through 6. No change.

~~7. Documentation of radon testing as mandated by Section 404.056(5), F.S.~~

8. through 9. renumbered 7. through 8. No change.

(b) through (d) No change.

(2) LICENSE RENEWAL.

(a) The agency shall annually provide an aApplication forms for license renewal, AHCA Form 3180-1022, January 2006, either shall be provided electronically or by mail delivery, annually by the agency to the AFCH providers at least 120 days prior to the expiration of the current license. The provider shall mail or hand-deliver the license renewal application to the agency at the address cited in paragraph (1)(a) of this rule a minimum of 90 days prior to the expiration date appearing on the currently held license.

(b) In addition to AHCA Form 3180-1022, all applicants for license renewal shall provide the following:

1. Documentation of a satisfactory sanitation inspection as required under Rule 58A-14.009, F.A.C. Documentation of a satisfactory sanitation inspection shall be provided at the time of the agency's annual survey. In addition, a copy of the annual sanitation inspection report shall be submitted no later than 30 calendar days after the date of the inspection to the Assisted Living Unit at the address cited in paragraph (1)(a) of this rule. Failure to comply with this requirement shall result in administrative enforcement pursuant to Sections 400.6194 and 400.6196, F.S., and Rule 58A-14.010, F.A.C.

2. Documentation of a satisfactory fire safety inspection as required under Rule 58A-14.0091, F.A.C. Documentation of a satisfactory fire safety inspection shall be provided at the time of the agency's annual survey. In addition, a copy of the annual fire safety inspection report shall be submitted no later than 30 calendar days after the date of the inspection to the Assisted Living Unit at the address cited in paragraph (1)(a) of this rule. Failure to comply with this requirement shall result in administrative enforcement pursuant to Sections 400.6194 and 400.6196, F.S., and Rule 58A-14.010, F.A.C.

3. No change.

(c) No change.

(3) through (4) No change.

Specific Authority 400.619, 400.621, 400.6194, 400.6196 FS. Law Implemented 400.619, 400.621, 400.6194, 400.6196 FS. History– New 5-14-86, Amended 2-2-95, Formerly 10A-14.003, Amended 9-19-96, 3-25-98, 6-6-99, 1-1-04, _____.

58A-14.008 Staff Qualifications, Responsibilities and Training.

(1) MINIMUM STAFF REQUIREMENTS.

(a) No change.

(b) The provider, all staff, each relief person, and all adult household members must meet Level 1 background screening requirements established in Section 435.03, F.S., or have been exempted from disqualification as provided in Section 435.07, F.S. The provider must submit a completed AHCA Forms 3110-0002 and 3110-0003, or other evidence of compliance as provided in Section 400.619, F.S., and Rule 58A-14.003, F.A.C., for any staff, relief persons, or adult household members not screened at the time of initial license application pursuant to the screening schedule provided in Section 435.05, F.S.

(c) No change.

(2) through (3) No change.

(4) TRAINING.

(a) through (b) No change.

~~(c) AFCH providers must attend update training for any portion of the basic course which has been updated as the result of new legislation or rule amendments.~~

(d) through (f) renumbered (c) through (e) No change.

Specific Authority 400.619, 400.621, 400.6211 FS. Law Implemented 400.619, 400.621, 400.6211 FS. History--New 2-2-95, Formerly 10A-14.008, Amended 9-19-96, 6-6-99, 1-1-04,_____.

58A-14.0085 Records.

(1) RESIDENT RECORDS.

(a) The record shall, at a minimum, contain:

1. through 2. No change.

3. For residents who are OSS recipients, a copy of the Alternate Care Certification for Optional State Supplementation (OSS) Form, CF-ES 1006, February 2005 ~~March 1998~~, provided by the Department of Children and Family Services.

4. through 13. No change.

(b) No change.

(2) No change.

(3) FACILITY RECORDS. The AFCH provider shall maintain the following records on the premises and ensure the records are available for inspection by the agency:

(a) through (h) No change.

(i) The facility shall maintain a record of each fire exit drill on Form DI4-1437, revised 1/2001, Fire Exit Drill Records for Adult Family Care Homes as set forth in subsections 69A-57.006(6) and (7), F.A.C.

Specific Authority 400.619, 400.621, 400.6211, 400.625 FS. Law Implemented 400.619, 400.621, 400.6211, 400.625, 400.628 FS. History--New 6-6-99, Amended_____.

58A-14.0091 Fire Safety Standards and Emergency Procedures.

(1) FIRE SAFETY STANDARDS.

(a) Each adult family-care home shall be subject to the requirements of Rule Chapter 69A-57, Uniform Fire Safety Standards for Adult Family Care Homes, F.A.C.; Chapter 21, Section 22-3.3.5.3 of Chapter 22, Sections 23-2.2.1 and 23-2.3.4.3 of Chapter 23, and Sections 31-7.1, 31-7.2, and 31-7.3 of Chapter 31 of the National Fire Protection Association Life Safety Code, NFPA 101, 1994 edition, which is adopted by reference.

(b) No change.

(2) EMERGENCY PROCEDURES.

(a) through (b) No change.

(c) Emergency telephone numbers shall be present by a designated telephone and include the following:

1. through 7. No change.

8. AHCA's Field Area Office; ~~and~~

9. The Relief Person; ~~and~~

10. Providers of essential medical services.

(d) In the event of a declared disaster or emergency, the AFCH provider shall make available all necessary information regarding a resident's location to essential medical service providers, both during and after the disaster or emergency.

Specific Authority 400.619, 400.621 FS. Law Implemented 400.619, 400.621 FS. History--New 9-19-96, Amended 6-6-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jim Crochet

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Carole Green, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: May 9, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: April 14, 2004

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Purchasing

RULE NOS.:

RULE TITLES:

60A-1.002

Purchase of Commodities or Contractual Services

60A-1.006

Vendors and Contractors

60A-1.016

Contract and Purchase Order Requirements

60A-1.033

MyFloridaMarketPlace Information Security and Electronic Attachments

60A-1.044

State Term Contracts; Usage and Exclusivity; Exceptions

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to amend the identified rules and Forms PUR 1000 and 1001 to reflect current practices and

procedures regarding purchases made by state agencies, and to adopt a new rule governing MyFloridaMarketPlace information security.

SUMMARY: The amendments amend the above-mentioned rules to reflect the current practices and procedures regarding purchases made by state agencies. Also, the amendments clarify the duties and responsibilities of the Department and other state agencies as provided therein. Further, the proposed rulemaking adopts a new rule that provides information security practices related to uploading information into the MyFloridaMarketPlace procurement system.

The amendments amend the Form PUR 1000 to: relocate the Manufacturer’s Name and Approved Equivalent section to the Form PUR 1001; provide a limit to the duration of purchase orders entered into via state term contracts; include a compliance with laws section; provide a separate assignment of anti-trust rights section; provide clarification that all employees, subcontractors, or agents performing work under the relevant contract shall comply with all controlling laws and regulations relevant to the services they are providing under the contract; and other changes that reflect the current practices and procedures regarding purchases made by state agencies.

The amendments amend the Form PUR 1001 to: include the Manufacturer’s Name and Approved Equivalent section relocated from the Form PUR 1000 to the PUR 1001; add a section required by new 287.057(26), F.S.; and other changes that reflect the current practices and procedures regarding purchases made by state agencies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory cost has been prepared.

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.

SPECIFIC AUTHORITY: 287.042(3), 287.042(12) FS.

LAW IMPLEMENTED: 287.042, 287.057 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 23, 2006, 1:00 p.m.

PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anthony W. Garcia, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-8440, garciaa@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

60A-1.002 Purchase of Commodities or Contractual Services.

(1) through (6) No change.

(7) All formal solicitations issued by an agency shall include the standard “General Contract Conditions” Form PUR 1000 (08/04), and the standard “General Instructions to Respondents” Form PUR 1001 (11/04), each of which is hereby incorporated by reference. The forms are available on the internet at <http://dms.myflorida.com/purchasing>. Except as modified by an agency pursuant to the following subsections, these instructions shall apply to all formal solicitations and these conditions shall be part of all resulting contracts.

(a) PUR 1001 contains instructions explaining the solicitation process and the actions necessary to respond. The agency shall attach additional materials specific to each particular solicitation, including but not limited to contact information, a solicitation timeline, a location for the public opening, evaluation criteria, required information regarding renewal of the contract, and any other necessary information. These additional instructions are commonly referred to as “Special Instructions to Respondents.” In the event of any conflict between Form PUR 1001 and the additional instructions attached by the agency, the additional instructions shall take precedence over the Form PUR 1001 unless the conflicting term is required by any section of the Florida Statutes, in which case the term contained in PUR 1001 shall take precedence.

(b) No change.

(8) In addition to including the PUR 1001 and PUR 1000, all formal solicitations issued by an agency shall include an Introductory Section, a Special Conditions section and a Technical Specifications or Statement of Work Section. The Introductory Section shall include an overview of the solicitation and a timeline or calendar of events relevant to the solicitation. As provided in paragraph (7)(b) above, the Special Conditions section shall be used by agencies to supplement or supercede the General Contract Conditions contained in PUR 1000. The Technical Instructions or Statement of Work Section shall be used by agencies to provide detail regarding the scope of contractual services sought or commodities to be procured by the agency through the formal solicitation.

Specific Authority 287.042 FS. Law Implemented 287.042, 287.057 FS. History—New 5-20-64, Amended 4-4-67, Revised 2-6-68, Amended 2-8-69, Revised 5-20-71, Amended 7-31-75, 10-1-78, Revised 11-14-79, Amended 8-18-80, 8-6-81, 10-13-83, 3-1-84, 3-14-84, 11-12-84, 2-28-85, 12-17-85, Formerly 13A-1.02, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.002, Amended 4-24-94, 1-9-95, 1-1-96, 3-21-96, 9-23-96, 7-6-98, 1-2-00, 10-3-04, 12- 22-04_____.

60A-1.006 Vendors and Contractors.

(1) The integrity, reliability and qualifications of a bidder or offeror, with regard to the capability in all respects to perform fully the contract requirements, shall be determined by the agency prior to the award of the contract and shall be monitored by the agency throughout the contract term.

(2) No change.

(3)(a) through (b) No change.

(c) The defaulting vendor will not be eligible for award of a contract by the agency until such time as the agency is reimbursed by the defaulting vendor for all procurement costs. Procurement costs may include both administrative costs and costs or price increases incurred or to be incurred as a result of the procurement. Procurement of substitute commodities or contractual services may be accomplished by first attempting to contract with the next eligible awardee under the original solicitation, when applicable. If the agency fails to contract with the next eligible awardee, it may continue in this manner sequentially through all eligible awardees until a vendor willing to perform at acceptable pricing under the solicitation's terms and conditions is found. Alternatively, an agency may elect to disregard previous solicitations, if any, and procure the commodity or contractual service pursuant to all applicable requirements of Chapter 287, F.S.

(d) through (f) No change.

(4) through (5) No change.

Specific Authority 120.57(3)(d), 287.042, 287.057(23)(d) FS. Law Implemented 120.57(3), 287.017, 287.042, 287.057, 287.133 FS. History—New 5-20-64, Revised 2-6-68, 5-20-71, Amended 7-31-75, 10-1-78, 12-11-79, 2-26-80, 8-6-81, 10-11-81, 11-10-81, 2-11-82, 8-10-82, 10-13-83, 11-12-84, 12-17-85, Formerly 13A-1.06, Amended 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.006, Amended 4-24-94, 1-9-95, 7-6-98, 1-2-00, 7-1-03, 5-16-04, 8-22-04,_____.

60A-1.016 Contract and Purchase Order Requirements.

(1) No change.

(2)(a) No change.

(b) All agency contracts and purchase orders may be electronically signed by the authorized individual as provided in Section 668.004, F.S.

~~(c)(b)~~ No change.

~~(d)(e)~~ No change.

(3) No change.

Specific Authority 287.032, 287.042 FS. Law Implemented 287.017, 287.042, 287.057, 287.058, 287.133, 668.004 FS. History—New 8-6-81, Amended 11-4-82, 2-13-83, 5-26-83, 10-13-83, 5-10-84, 11-12-84, 12-17-85, Formerly 13A-1.16, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.016, Amended 4-24-94, 1-9-95, 1-1-96, 3-24-96, 7-6-98, 1-2-00, 7-11-04,_____.

60A-1.033 MyFloridaMarketPlace Information Security and Electronic Attachments.

(1) To process invoices for payment, the Department of Financial Services ("DFS") requires agencies to submit supporting documentation to substantiate the payment. Supporting documentation for payment requests in MyFloridaMarketPlace may be sent by the agency to DFS as electronically rendered (i.e., scanned) copies of the original documents.

(2) When scanning supporting documentation for purchase orders and invoices and loading them into MyFloridaMarketPlace, agencies shall comply with Rule 1B-26.003, F.A.C., Electronic Recordkeeping, and with Chapter 60DD-2, F.A.C., Florida Information Resource Security Policies and Standards.

(a) Before scanning and uploading supporting documentation for purchase orders and invoices into MyFloridaMarketPlace, the agency shall review and redact all confidential information from the supporting documentation. Specifically, agencies shall redact from supporting documentation, before it is uploaded into MyFloridaMarketPlace, all protected health information as defined in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and all information that is exempt from inspection or copying as provided in Chapter 119, Florida Statutes, or any other provision of Florida law exempting or making information exempt from public records review. Further, before uploading scanned copies of supporting documentation into MyFloridaMarketPlace, agencies shall review and redact from supporting documentation all personal agency employee information that is unnecessary for DFS to review to process the invoice for payment. The agency shall retain the original hard copy of the document (unredacted version) for subsequent auditing purposes.

(3) If an agency's supporting documentation attachment in MyFloridaMarketPlace contains confidential information, the agency shall complete and submit to the Department Form PUR 3785, MyFloridaMarketplace Attachment Removal Request Form (7/##/06), which is hereby incorporated by reference. This form is available on the internet at <http://dms.myflorida.com/dms/purchasing>.

(4) The memory size of supporting documentation attachments that may be uploaded into MyFloridaMarketPlace for each invoice for payment shall be no more than 4 megabytes in size. Only final versions of supporting documentation attachments should be included within the system.

(5) To support an invoice for payment, the agency shall electronically scan and upload the supporting documentation into MyFloridaMarketPlace:

(a) All paper invoices received by the agency from the vendor, excluding confidential information; and

(b) Any other documentation, excluding confidential information, necessary to substantiate the request for payment and/or show compliance with the rules of the DFS and Chief Financial Officer Memoranda, and other applicable laws, rules and regulations relating to the expenditure of public funds. Confidential information will be made available in paper form to DFS and other authorized State personnel upon request and only as permitted by law.

Specific Authority ~~287.042(12), 287.057(23)(b) FS. Law Implemented 287.042(3), (4), (8) 287.057(23)(b) FS. History--New~~

60A-1.044 State Term Contracts; Usage and Exclusivity; Exceptions.

- (1) through (2) No change.
- (3)(a) No change.

(b) ~~The agency determines in writing that the state term contract item cannot meet an agency need because of one of these factors: Unavailability of the contract item within agency schedule or delivery requirements; need for compatibility with existing equipment or systems; or the contract item fails to meet agency-required specifications, quality levels or technical requirements critical delivery schedules, the need for compatibility with existing equipment, non-availability of service, applications of unique technical requirements, product quality, or specifications that differ from those of the contract commodities or services; or~~

- (c) No change.

(4) ~~State Agency Standard Configuration and Options. State term contracts for commodities may provide cost-effective standard configuration products, i.e., those that meet most or a significant portion of agency requirements at a reduced cost. A state term contract offering standard configuration products may also list specific options or additions to the standard configuration products, which agencies or eligible users may elect to add to the standard configuration product as needed. If an agency determines that a standard configuration product will not meet the agency's needs and that it is therefore necessary for the agency to purchase specific product options or additions to the standard configuration product, the agency shall, in writing, specify why the standard configuration product(s) cannot meet the agency's needs due to: unavailability of the product within agency schedule or delivery requirements; need for compatibility with existing equipment or systems; or failure to meet agency-required specifications, quality levels or technical requirements.~~

(5) ~~The agencies' written determination for state term contract or standard configuration exceptions required by subsections (3) and (4) above shall also include the price impact, both as a dollar amount and as a percentage of the price of the state contract or standard configuration item(s), that results because of the exception or deviation.~~

Specific Authority 287.042(12) FS. Law Implemented 287.056(1) FS. History--New 7-26-04, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Anthony W. Garcia, Department of Management Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Holley, Chief of Staff, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.:	RULE TITLE:
69J-2.001	Alternative Procedures for Resolution of Disputed Personal Lines Insurance Claims Arising from Hurricane and Tropical Storm Damage

PURPOSE AND EFFECT: Rule 69J-2.001, F.A.C., is repealed.

SUMMARY: Rule 69J-2.001, F.A.C., is repealed and will be superseded by Rule 69J-2.003, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory cost has been prepared.

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.

SPECIFIC AUTHORITY: 624.308, 626.9611, 627.7015(4) FS. LAW IMPLEMENTED: 624.307(1), (2), (4), (5), 624.316, 624.3161, 624.317, 624.318, 624.320, 624.324, 624.418(2)(a), 624.4211, 626.859, 626.874, 626.877, 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9641(1)(g), 627.7015 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: June 26, 2006, 10:00 a.m.

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Terfinko, Assistant Director, Division of Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0320, (850)413-5802

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program is asked to advise the Department at least 5 calendar days before the hearing by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69J-2.001 Alternative Procedures for Resolution of Disputed Personal Lines Insurance Claims Arising from Hurricane and Tropical Storm Damage.

Specific Authority 624.308, 626.9611, 627.7015(4) FS. Law Implemented 624.307(1), (2), (4), (5), 624.316, 624.3161, 624.317, 624.318, 624.320, 624.324, 624.418(2)(a), 624.4211, 626.859, 626.874, 626.877, 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9641(1)(g), 627.7015 FS. History—New 5-18-05, Amended 1-17-06, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Terfinko, Assistant Director, Division of Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Marta Arrington, Director, Division of Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2006

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: 69J-2.003
 RULE TITLE: Mediation Procedures for Resolution of Disputed Personal Lines Insurance Claims Arising from the 2004 and 2005 Hurricanes and Tropical Storms

PURPOSE AND EFFECT: The rule establishes a mediation program for the resolution of disputed residential insurance claims resulting from the 2004 and 2005 hurricanes and tropical storms that hit the State of Florida.

SUMMARY: The rule requires insurers to notify residential policyholders of their right to request mediation of their disputed claims. The rule creates procedures for a notice of the right to mediation, requesting mediation, assignment of mediators, payment for mediation, scheduling mediation conferences, and the conduct of the mediation conference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory cost has been prepared.

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.

SPECIFIC AUTHORITY: 624.308, 626.9611, 627.7015(4) FS. LAW IMPLEMENTED: 624.307(1), (2), (4), (5), 624.317, 624.318, 624.324, 626.859, 626.874, 626.877, 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9641(1)(g), 627.7015 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: June 26, 2006, 10:00 a.m.

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Terfinko, Assistant Director, Division of Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0320 (850)413-5802

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program is asked to advise the Department at least 5 calendar days before the hearing by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69J-2.003 Mediation Procedures for Resolution of Disputed Personal Lines Insurance Claims Arising from the 2004 and 2005 Hurricanes and Tropical Storms.

(1) Purpose and Scope. This rule implements Section 627.7015, F.S., by setting forth a mediation procedure prompted by the critical need for effective, fair, and timely handling of personal lines insurance claims arising out of damages to residential property caused by the hurricanes and tropical storms during the 2004 and 2005 hurricane seasons (June 1 to November 30 of each year). The procedure established by this rule is available to those first party claimants who have personal lines claims resulting from damage to residential property occurring in the State of Florida. This rule does not apply to commercial insurance, private passenger motor vehicle insurance, or to liability coverage contained in property insurance policies.

(2) Definitions. The following definitions apply to the terms of this rule as used herein.

(a) "Administrator" means the Department or its designee.

(b) "Claim" means any matter on which there is a dispute or for which the insurer has denied payment. Unless the parties agree to mediate a claim involving a lesser amount, a "claim" involves the insured requesting \$500 or more to settle the dispute, or the difference between the positions of the parties is \$500 or more, in either case, notwithstanding any applicable deductible. "Claim" does not include a dispute with respect to which the insurer has reported allegations of fraud, based on an investigation by the insurer's special investigative unit, to the Department's Division of Insurance Fraud.

(c) "Department" means the Department of Financial Services or its designee. Reporting to the Department shall be directed to: Department of Financial Services, Mediation Section, Bureau of Education, Advocacy, and Research, Tallahassee, Florida 32399-4212; or by facsimile to (850)488-6372.

(d) “Mediator” means an individual selected by the Department to mediate disputes pursuant to this rule. The mediators will be selected from a panel of circuit court – civil certified mediators approved by the Florida Supreme Court pursuant to the Florida Rules of Certified and Court-Appointed Mediators or from the list of approved mediators pursuant to Rule 69B-166.031, F.A.C.

(e) “Party” or “Parties” means the insured and his or her insurer, including Citizens Property Insurance Corporation, when applicable.

(3) Notification of Right to Mediate.

(a) The insurer shall mail a notice of the right to mediate disputed claims to the insured within 5 days of the time the insured or the Department notifies an insurer of a dispute regarding the insured’s claim. If the insurer has not been notified of a disputed claim prior to the time an insurer notifies the insured that a claim has been denied in whole or in part, the insurer shall mail a notice of the right to mediate disputed claims to the insured in the same mailing as a notice of denial. An insurer is not required to send a notice of the right to mediate disputed claims if a claim is denied because the amount of the claim is less than the insured’s deductible.

(b) The mailing that contains the notice of the right to mediate may include the Department’s consumer brochure on mediation but no other materials, forms, or documents may be included. Notification shall be in writing and shall be legible, conspicuous, and printed in at least 12-point type. The first paragraph of the notice shall contain the following statement: “Tom Gallagher, Chief Financial Officer for the State of Florida, has adopted a rule to facilitate the fair and timely handling of residential property insurance claims arising out of the hurricanes that have recently devastated so many homes in Florida. The rule gives you the right to attend a mediation conference with your insurer in order to settle any dispute you have with your insurer about your claim. An independent mediator, who has no connection with your insurer, will be in charge of the mediation conference. You can start the mediation process 21 days after the date of this notice by calling the Department of Financial Services at 1(800)227-8676 (1(800)22-STORM).”

(c) The notice shall also:

1. Include detailed instructions on how the insured is to request mediation, including name, address, and phone and fax numbers for requesting mediation through the Department;

2. State that the parties have 21 days from the date of the notice within which to settle the claim before the insured may request mediation;

3. Include the insurer’s address and phone number for requesting additional information; and

4. State that the Department or the Administrator will select the mediator.

(4) Request for Mediation.

(a) By the Insured. After 21 days from the date of the notice of the right to mediation, an insured may request mediation by contacting the insurer or by calling the Department at 1(800)22-STORM (1(800)227-8676); by faxing a request to the Department at (850)488-6372; or by writing to the Department of Financial Services, Mediation Section, Bureau of Education, Advocacy, and Research, Tallahassee, Florida 32399-4212. If an insured requests mediation prior to receipt of the notice of the right to mediation or if the date of the notice cannot be established, the insurer shall be notified by the Department of the existence of the dispute 21 days prior to the Administrator processing the insured’s request for mediation. If an insurer receives a request for mediation, the insurer shall fax the request to the Mediation Section within 48 hours of receipt of the request. The Department will forward requests to the Administrator within 24 hours of receipt of the requests. The Administrator shall notify the insurer within 48 hours of receipt of requests filed with the Department. The insured should provide the following information if known:

1. Name, address, e-mail address, and daytime telephone number of the insured and location of the property if different from the address given;

2. The claim and policy number for the insured;

3. A brief description of the nature of the dispute;

4. The name of the insurer and the name, address, e-mail address, and phone number of the contact person for scheduling mediation; and

5. Information with respect to any other policies of insurance that may provide coverage of the insured property for named perils such as flood or windstorm.

(b) By an Insurer. An insurer may request mediation by faxing a written request to the Department at (850)488-6372. The insurer shall provide a copy of its written mediation request to the insured at the same time it submits the request to the Department. The written request should contain the information set forth in paragraph (4)(a). Mediation requests by insurers will be processed by the Department and Administrator in the same manner as mediation requests by insureds.

(5) Mediation Costs. Pursuant to Section 627.7015(3), F.S., the insurer shall bear all of the cost of conducting mediation conferences. Mediation costs shall include the administrative fee and the mediator’s fee. Within 5 days of receipt of the request for mediation or receipt of notice of the request from the Department or immediately after receipt of notice from the Administrator pursuant to subsection (4) that mediation has been requested, whichever occurs first, the insurer shall pay a non-refundable administrative fee of \$350 to the Administrator to defer the expenses of the Department. This amount includes the mediator’s fee.

(6) Requirements for Insurers.

(a) The representative of the insurer attending the conference must bring a copy of the policy and the entire claims file to the conference. The representative of the insurer

attending the conference must know the facts and circumstances of the claim and be familiar with of the provisions of the policy. An insurer will be deemed to have failed to appear if the insurer's representative lacks authority to settle the full amount of the claim or lacks the ability to disburse the settlement amount at the conclusion of the conference.

(b) If inspection and adjustment of the property at issue may be required before the dispute between the parties can be resolved, such inspection and adjustment shall occur before the scheduled mediation conference. A failure by the insurer to inspect and adjust the property as necessary before the mediation conference shall constitute a failure to appear at the mediation conference under subsection (8) below. A refusal by the insured to allow the insurer's representative onto the property at issue to conduct such an inspection or adjustment shall not be considered a failure to appear at the mediation conference.

(7) Scheduling of Mediation Conference. The Administrator will select a mediator and schedule the mediation conference. The Administrator will attempt to facilitate reduced travel and expenses to the parties and the mediator when selecting a mediator and scheduling the mediation conference. The Administrator shall confer with the mediator and all parties prior to scheduling a mediation conference. The Administrator shall notify each party in writing of the date, time, and place of the mediation conference at least 10 days prior to the date of the conference and concurrently send a copy of the notice to the Department. The insurer shall notify the Administrator as soon as possible after the settlement of any claim that is scheduled for mediation pursuant to this rule.

(8) Conduct of the Mediation Conference.

(a) It is not necessary to engage a private attorney to participate in the mediation conference. If the insured elects to have an attorney participate in the conference, the insured shall provide the name of the attorney to the Administrator at least six days before the date of the conference. Parties and their representatives must conduct themselves in the cooperative spirit of the intent of the law and this rule. Parties and their representatives must refrain from turning the conference into an adversarial process. Both parties must negotiate in good faith. A party will be determined to have not negotiated in good faith if the party, or a person participating on the party's behalf, continuously disrupts, becomes unduly argumentative or adversarial, or otherwise inhibits the negotiations as determined by the mediator. The mediator shall terminate the conference if the mediator determines that either party is not negotiating in good faith or if the mediator determines that the conference should be terminated under the provisions of Rule 10.420(b) of the Florida Rules for Certified and Court-Appointed Mediators. The party responsible for causing

termination shall be responsible for paying the administrative fee imposed in subsection (5) for any rescheduled mediation conference.

(b) The mediator will be in charge of the conference and will establish and describe the procedures to be followed. Mediators shall conduct the conference in accordance with the standards of professional conduct for mediation under the Florida Rules of Certified and Court-Appointed Mediators. Each party will be given an opportunity to present their side of the controversy. In so doing, parties may utilize any relevant documents and may bring any individuals with knowledge of the issues, such as adjusters, appraisers, or contractors, to address the mediator. The mediator may meet with the parties separately, encourage meaningful communications and negotiations, and otherwise assist the parties to arrive at a settlement. For purposes of this mediation program, mediators shall be deemed agents of the Department and shall have the immunity from suit provided to mediators in Section 44.107, F.S. All statements made and documents produced at a mediation conference shall be deemed settlement negotiations in anticipation of litigation.

(c) A party may move to disqualify a mediator for good cause at any time. The request shall be directed to the Department if the grounds are known prior to the mediation conference. Good cause consists of conflict of interest between a party and the mediator, the inability of the mediator to handle the conference competently, or other reasons that would reasonably be expected to impair the conference.

(d) If the insured fails to appear, without good cause as determined by the Department, the insured may have the conference rescheduled only upon the insured's payment of the administrative fee imposed in subsection (5) for the rescheduled conference. If the insurer fails to appear at the conference, without good cause as determined by the Department, the insurer shall pay the insured's actual expenses incurred in attending the conference and shall pay the administrative fee imposed in subsection (5) whether or not good cause exists. Failure of a party to arrive at the mediation conference within 30 minutes of the conference's starting time shall be considered a failure to appear. Good cause shall consist of severe illness, injury, or other emergency which could not be controlled by the insured or the insurer and, with respect to an insurer, could not reasonably be remedied prior to the conference by providing a replacement representative or otherwise. If an insurer fails to appear at conferences with such frequency as to evidence a general business practice of failure to appear, the insurer shall be subject to penalty, including suspension, revocation, or fine for violating Section 626.9541(1)(i), F.S.

(9) Post Mediation. If the parties reached a settlement, the mediator shall provide a copy of the executed settlement agreement to the Department and the Administrator within 5 days of the conclusion of the conference. Mediation is

non-binding. However, if a settlement is reached, the insured shall have 3 business days starting after the date of the mediation conference within which he or she may rescind any settlement agreement provided that the insured has not cashed or deposited any check or draft disbursed to him or her for the disputed matters as a result of the conference. If a settlement agreement is reached and is not rescinded, it shall act as a release of all specific claims that were presented in the conference. Any additional claims under the policy shall be presented as separate claims. However, the release shall not constitute a final waiver of rights of the insured with respect to claims for damages or expenses if circumstances that are reasonably unforeseen arise resulting in additional costs that would have been covered under the policy but for the release.

(10) If the insured decides not to participate in this mediation program or if the parties are unsuccessful at resolving the claim, the insured may choose to proceed under the appraisal process set forth in the insured’s insurance policy, by litigation, or by any other dispute resolution procedure available under Florida law.

(11) If as a result of mediation it is determined that the only coverage applicable is provided under the National Flood Insurance Program, the administrative fee imposed in subsection (5) paid by the insurer for the mediation shall be refunded to the insurer or credited to the insurer’s account with the Administrator.

(12) The Department is authorized to designate an entity or person as its Administrator to carry out any of the Department’s duties under this rule.

(13) If a court holds any subsection or portion of a subsection of this rule or the applicability thereof to any person or circumstance invalid, the remainder of the rule shall not be affected thereby.

(14) The applicable provisions of Rule 69B-166.031, F.A.C., shall govern issues relating to mediation that are not addressed in this rule. The provisions of this rule shall govern in the event of any conflict with the provisions of Rule 69B-166.031, F.A.C.

Specific Authority 624.308, 626.9611, 627.7015(4) FS. Law Implemented 624.307(1), (2), (4), (5), 624.317, 624.318, 624.324, 626.859, 626.874, 626.877, 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9641(1)(g), 627.7015 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Terfinko, Assistant Director, Division of Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Marta Arrington, Director, Division of Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2006

**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5E-14 Entomology – Pest Control Regulations

RULE NO.: RULE TITLE:
5E-14.149 Enforcement and Penalties

NOTICE OF CHANGE:

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 32, No. 5, February 3, 2006 issue of the Florida Administrative Weekly.

WHEN AMENDED THE PROPOSED RULE WILL READ AS FOLLOWS:

5E-14.149 Enforcement and Penalties.

(1) List of Penalties. The Department will apply one or more of the following penalties for violation of Chapter 482, F.S., or Chapter 5E-14, F.A.C., or as provided in Section 482.161, F.S.

(a) Denial of an application for licensure or license renewal and/or permits or refusal of a pest control registration, license, and/or permit.

(b) Revocation or Suspension of any license including permits.

(c) Warning Letter.

(d) Probation for a specified period of time not to exceed two years subject to conditions.

(e) Administrative fine not to exceed \$5,000 for each violation.

(f) Criminal prosecution by referral to the State Attorney under Sections 775.082 and 775.083, F.S.

(g) Injunctive relief.

(h) Issuance of a Cease and Desist Order, Immediate Stop Use or Stop Work Orders.

(i) Institution of an action under Chapter 501, Part II, Sections 501.204, .207, .2075, .2077, .209, .211, .2105, .212, and .213, F.S., for violations involving deceptive and unfair trade practices where the legal remedies provided under Chapter 501, Part II, are needed to further protect consumers or recover damages associated with identified violations.