

NOTICE OF PROPOSED RULE

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DIVISION OF AGRICULTURAL ENVIRONMENTAL SERVICES

RULE NO.:

RULE TITLE:

5E-14.150

Customer Contact Centers

PURPOSE AND EFFECT: Establish a license for the operation of pest control customer contact centers.

SUMMARY: The proposed rule will delineate the requirements for the application of a Customer Contact Centers license, delineate the requirement for records keeping of a Customer Contact Centers license, establish the cost for a Customer Contact Centers license and renewal, establish a form for the application of a Customer Contact Centers license, and establish a late fee and grace period for renewal of a Customer Contact Centers license.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule will not have an impact on small business and is not likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not 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.

If adopted, the proposed rule is not expected to require legislative rule ratification under Section 120.541(3), Florida Statutes, (or any other statute) before becoming effective for the following reasons:

1) None of the requirements in Section 120.541(1), Florida Statutes, for preparing a Statement of Economic Regulatory Costs (SERC) were triggered and

2) Based on past experiences with regulatory activities of licensees and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), Florida Statutes.

RULEMAKING AUTHORITY: 482.051, 482.072, F.S.

LAW IMPLEMENTED: 482.072, 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. Michael J. Page, Chief of Bureau of Entomology and Pest Control; (850)617-7997; 1203 Governors Square Boulevard, Tallahassee, Florida, 32301-2961; Michael.Page@freshfromflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-14.150 Customer Contact Centers

(1) Customer Contact Center business license application: In accordance with Section 482.072(2)(a), F.S., an applicant for a customer contact center business license shall submit a completed Pest Control Customer Contact Center License Application form, DACS 13686 (09/11), and application fee of \$600 in the form of a check or money order payable to the Florida Department of Agriculture and Consumer Services (FDACS) to the address indicated on the form. Form DACS 13686 (09/11), is hereby adopted and incorporated by reference and may be obtained by visiting <http://www.flrules.org/Gateway/reference>.

(2) In accordance with Section 482.072(3)(a), F.S., the following requirements and procedures for recordkeeping and monitoring of customer contact center operations are

established.

(a) Each licensed customer contact center shall maintain a digital audio, compact disk, or tape recording of inbound and outbound telephone calls between the customer contact center and consumers located in Florida. These records must be retained for a minimum period of 6 months and are subject to inspection by Department representatives upon request.

(b) A licensed customer contact center premises shall be made available to Department representatives upon request for inspection purposes during normal business hours and to monitor live calls from consumers located in Florida.

(c) A licensed customer contact center shall have a procedure in place to identify a specific telephone call by consumer name, date of call, or customer address and identify which customer contact center employee handled a telephone call with a specific consumer identified by a Department representative.

(d) A licensed customer contact center shall have a procedure in place to provide records relating to customer contacts and the required procedures set forth in subparagraphs (a), (b), and (c) above to Department representatives upon request and provide an accounting of inbound and outbound calls with Florida consumers and identify the number of outbound center initiated calls.

(e) Each licensed customer contact center shall designate a “Primary Contact Person” at the licensed location for purposes of communication with the Department. The name, email address (if any), and telephone number of the primary contact person shall be provided to the Department as part of the license application for adopted by subsection (1). If the Primary Contact person changes prior to license renewal, the new contact information shall be submitted to the Department by calling (850) 617-7997.

(3) A Customer Contact Center License Renewal date shall be two years from the date of the original license issuance or renewal thereof. The renewal fee for each original license shall be \$600.

(4) After a grace period of 30 days following the renewal date, a late fee of \$150 shall be assessed in addition to the renewal fee.

Rulemaking Authority 482.051, 482.072, F.S. Law Implemented 482.072, F.S. History-New.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mr. Anderson H. Rackley, Director of Environmental Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

Mr. Adam H. Putnam, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 12/09/11

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: 11/04/11