

NOTICE OF DEVELOPMENT OF PROPOSED RULES

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DIVISION OF AGRICULTURAL ENVIRONMENTAL SERVICES

RULE NO.: 5E-14.142

RULE TITLE: Responsibilities and Duties – Records, Reports, Advertising, Applications.

PURPOSE AND EFFECT: Professional liability insurance requirements for licensees performing wood-destroying organisms inspections as provided by Section 12 of Chapter 2011-206, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Wood-Destroying Organisms Inspections (WDOI)

RULEMAKING AUTHORITY: 482.051, F.S.

LAW IMPLEMENTED: 482.021(21), 482.061, 482.071, 482.091, 482.111(5), (9), 482.161(1)(g), (h), 482.226(1), (6), FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

DATE AND TIME: November 18, 2011; 9:00 A.M. – 5:00 P.M.

PLACE: Florida Atlantic University, Davie West Campus; 3233 College Avenue, Room 103, Davie, Florida 33314; (954) 236-1283. Please park in the IFAS Extension Office parking lot.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE

DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Mr. Michael J. Page, Chief of Entomology and Pest Control; 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301-2961; (850) 617-7997.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-14.142. Responsibilities and Duties – Records, Reports, Advertising, Applications.

(1) – (5) No change(6) Any licensee who performs wood-destroying organism inspections in accordance with Sections 482.226(1) and (6), F.S. shall show proof of meeting minimum financial responsibility at the time of license application or renewal thereof. Documented proof shall be in the form of an insurance certificate showing coverage for professional liability (errors and omissions), specifically covering wood-destroying organism inspection reports, in an amount no less than ~~\$50,000~~ \$500,000 in the aggregate and ~~\$25,000~~ \$250,000 per occurrence or proof of bond on a form issued by the insurer in an amount no less than ~~\$50,000~~ \$500,000 in the aggregate and ~~\$25,000~~ \$250,000 per occurrence or a certified public accountant’s notarized statement that a review or audit was performed on the licensee within one year of the license application and that the licensee’s net worth or equity on the date of the audit or review was no less than ~~\$100,000~~ \$500,000. No licensee shall perform wood-destroying organism inspections in accordance with Sections 482.226(1) and (6), F.S. without meeting the required financial responsibility.

(7) – (8) no change

Rulemaking Specific Authority 482.051 FS. Law Implemented 482.021(21), 482.061, 482.071, 482.091, 482.111(5), (9), 482.161(1)(g), (h), 482.226(1), (6) FS. History–New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, 4-17-03, 6-2-04, 6-1-06, 7-23-08, 9-17-08, 9-17-08, 1-4-09.