



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

June 27, 2014

The Honorable Dan Gaetz
President
The Florida Senate
409, The Capitol
404 South Monroe Street
Tallahassee, Florida 32399-1100

The Honorable Will W. Weatherford
Speaker
The Florida House of Representatives
420, The Capitol
404 South Monroe Street
Tallahassee, Florida 32399-1300

**RE: Department of Financial Services
2014-2015 Regulatory Plan Pursuant to Section 120.74(3), Florida Statutes**

Dear President Gaetz and Speaker Weatherford:

Section 120.74(3), Florida Statutes, directs each state agency to file by July 1, 2014, with the President of the Senate and the Speaker of the House of Representatives, a regulatory plan identifying and describing each rule the agency proposes to adopt during the next twelve months. The regulatory plan for the Department of Financial Services is attached.

This plan does not include emergency rulemaking, mandatory rulemaking that may result from future legislation, and rulemaking resulting from Chapter 120 petitions for rulemaking. In addition, the regulatory plan descriptions of the proposed rulemaking may be adjusted based on suggestions from the public during rulemaking workshops, hearings, or administrative actions.

If you should require any additional information or have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Atwater".

Jeff Atwater
Chief Financial Officer

JA/pb
Enclosures

c: JAPC

**DEPARTMENT OF FINANCIAL SERVICES
PROPOSED RULES FOR 2014-2015 FISCAL YEAR**

Division (fn1)	Mandatory- List statute	Rule Number	Rule Title	Meaningful Description of the Rule	Description of how the rule benefits businesses/individuals; or benefits the public or state
SFM	633.128	69A-37.059	Types of Instructor Certificates Issued	Instructor certificate requires 40 hours of continuing education every 4 years	Benefits include a process for instructors to remain current in the field and also retain minimum standards of certification, if FFII certified.
SFM	633.216	69A-39.009	Triennial Renewal of Firesafety Inspector and Fire Code Administrator Certification	Inspector whose certification has lapsed for 8 years or more must repeat the inspector training	Benefits include a requirement for ensuring that inspectors maintain currency and provides a standard for that level of currency.
SFM	633.406	69A-37.050	Types of Training Certificates Issued	Updates terms and language of "classes of certification" to be consistent with statute	Benefits include actual certification programs, not just type of certifications available. More specific and clear for the public.
SFM	633.406	69A-37.065	Programs of Study and Vocational Courses	Introduces new programs/certificate of competency for Hazmat and FLUSAR	Provides program areas as well as objectives of the Fire College. Also provides authority to add programs.
SFM	N/A	69A-37.065	Programs of Study and Vocational Courses	Updates instructor requirements, establishes examination for Fire Investigator II, and establishes accompanying task book	The rule benefits the students' ability to attend an accredited Fire Investigator II program.
SFM	633.406	69A-37.065	Programs of Study and Vocational Courses	Introduces new programs, certificate of competency for Fire Safety Officer	Provides program areas and objectives of the Fire College. Also provides authority to add programs.

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SFM	509.211	69A-51.086	Carbon Monoxide Hazards in Public Lodging Establishments	The rule establishes the installation standards/requirements and mitigation requirements for carbon monoxide sensors in public lodging establishments.	This rule benefits the public by ensuring that carbon monoxide sensors required to be installed in public lodging establishments are properly installed or that the carbon monoxide gas has been appropriately mitigated.
Agent and Agency	627.4553 (created) Mandatory	69B-_____; CP #153831;	Transfer or Surrender of Annuities or Life Insurance Policies	When an agent recommends the surrender of an annuity or life insurance policy, and does not recommend that the proceeds be used to purchase another policy, the agent shall provide certain information relating to the annuity or policy to be surrendered on a form that satisfies the requirements of the rule adopted by the department	This rule benefits the insurance consumer who may be considering surrendering an existing annuity or life insurance policy by requiring the disclosure of important information such as possible surrender penalties and taxes. The information required to be disclosed by this rule will enable the consumer to make an informed decision.
Agent and Agency	627.7015(4)(b) 627.745(4) Mandatory	69J-166 69B – _____	Mediator	Shall adopt by rule the procedures for qualifications, denial of application, suspension, revocation of approval, and other penalties for mediators	Will be of benefit to the public and insurers by providing an outline to establish a mediation program. Will also ensure that the public is being served by competent and qualified mediators and will provide guidelines to penalize those mediators who violate the law.

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Agent and Agency	627.7074(18) Mandatory	69J-8 69B- _____	Neutral Evaluator	Shall adopt rules for certifying neutral evaluators and shall adopt rules of procedure for denying, suspending, or revoking certification of neutral evaluators.	Will benefit both the insurance consumer and insurers by providing clear procedures to ensure a successful program. Will ensure that the public is being served by competent and qualified Neutral Evaluators and will provide guidelines to penalize those who violate the law.
DIF	626.9892(4) Mandatory	69D-1.0011	Definitions	Will provide definitions for terms used in Rule Chapter 69D-1, F.A.C.	Will clarify the meaning of terms for reward applicants and recipients.
Accounting and Auditing	Mandatory 215.971(2)(b)	69I-40.003	Uniform Procedures for Grant Management	Provides agencies with procedures for grant management pursuant to s. 17.03(3) to ensure that services have been rendered prior to processing an invoice for payment.	Creates clear guidance for agency monitoring of vendor performance and procedures for how agencies will certify receipt of goods and services.
Accounting and Auditing	Not mandatory 717.124(7)	69I-20.00211	Electronic Claim Submission	Provides definitions of key elements needed and a process to submit a claim electronically	Benefits to Public-creates an efficient, timely, less costly process for submitting claims for unclaimed property.
Accounting and Auditing	Not mandatory 215.985(14)	69I-40.003	Florida Accountability Contract Tracking System (FACTS)	Provides a definition of "contract" as it pertains to s. 215.985, F.S.; provides posting requirements related to agencies adding certain contract information and documents to the contract tracking system (FACTS)	Benefits to Agencies-provides guidance regarding posting requirements for FACTS. Benefits to Public-provides transparency to state contracting and creates a mechanism for the establishment and maintenance of a single system for tracking state contracts.

**DEPARTMENT OF FINANCIAL SERVICES
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DWC	440.13 440.525	69L-7.720	Forms Incorporated by Reference for Medical Billing, Filing and Reporting	Current rule 69L-7.710 is being split into multiple rules. This is the portion of the current rule, with revisions, incorporating agency forms for workers' compensation medical services.	This rule is part of a reorganization of rule 69L-7.710 into multiple rules. Separating it into a separate rule will facilitate the timely and efficient revision of this rule in the future. The language, while revised, is existing rule language.
DWC	440.13 440.525	69L-7.730	Health Care Provider Medical Billing and Reporting Responsibilities	Current rule 69L-7.710 is being split into multiple rules. This is the portion of the current rule, with revisions, that describes the responsibilities of workers' compensation health care providers in regard to the proper conduct and billing of medical services rendered to injured workers.	This rule is part of a reorganization of rule 69L-7.710 into multiple rules. Separating it into a separate rule will facilitate the timely and efficient revision of this rule in the future. The language, while revised, is existing rule language.
DWC	440.13 440.525	69L-7.740	Insurer Authorization and Medical Bill Review Responsibilities	Current rule 69L-7.710 is being split into multiple rules. This is the portion of the current rule, with revisions, that describes the responsibilities of workers' compensation insurance carriers and their agents regarding the payment, denial, disallowance, and adjustment of bills for medical services provided to injured workers.	This rule is part of a reorganization of rule 69L-7.710 into multiple rules. Separating it into a separate rule will facilitate the timely and efficient revision of this rule in the future. The language, while revised, is existing rule language.
DWC	440.13 440.525 440.593	69L-7.750	Insurer Electronic Medical Report Filing to the Division	Current rule 69L-7.710 is being split into multiple rules. This is the portion of the current rule, with revisions, that describes the electronic data reporting responsibilities of insurance carriers and their agents.	This rule is part of a reorganization of rule 69L-7.710 into multiple rules. Separating it into a separate rule will facilitate the timely and efficient revision of this rule in the future. The language, while revised, is existing rule language.

**DEPARTMENT OF FINANCIAL SERVICES
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DWC	440.13 440.525	69L-8	Selected Materials Incorporated by Reference	This is a new Rule Chapter. Current rule 69L-7.710 is being split into multiple rules. This is the portion of the current rule, with revisions, that incorporates certain materials by reference.	Currently, all materials incorporated for reference in Rule Chapter 69L-7 are incorporated in current rules that also include significant substantive rule provisions. The substantive provisions of these rules tend to be difficult to revise without delay, extensive debate, and even rule challenges. These difficulties hamper efforts to revise the mundane portions of the rule. Specifically, there are numerous documents that are incorporated by reference, which are updated annually by their publishers. It has become very challenging to keep these materials, which are crucial to keeping the Florida workers' compensation system current with nationally accepted billing and coding standards. Separating the materials incorporated by reference into separate rules will allow the timely and efficient revision of these materials without such revisions getting caught up in secondary issues that delay adoption.
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**DEPARTMENT OF FINANCIAL SERVICES
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DWC	440.13 440.525	69L-8.071	Materials for use with the Workers' Compensation Health Care Provider Reimbursement Manual	This rule will separately incorporate materials by reference concerning the Health Care Provider Reimbursement Manual.	Currently, all materials incorporated for reference in Rule Chapter 69L-7 are incorporated in current rules that also include significant substantive rule provisions. The substantive provisions of these rules tend to be difficult to revise without delay, extensive debate, and even rule challenges. These difficulties hamper efforts to revise the mundane portions of the rule. Specifically, there are numerous documents that are incorporated by reference, which are updated annually by their publishers. It has become very challenging to keep these materials, which are crucial to keeping the Florida workers' compensation system current with nationally accepted billing and coding standards. Separating the materials incorporated by reference into separate rules will allow the timely and efficient revision of these materials without such revisions getting caught up in secondary issues that delay adoption.
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**DEPARTMENT OF FINANCIAL SERVICES
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DWC	440.13 440.525	69L-8.072	Materials for use with the Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers	This rule will separately incorporate materials by reference concerning the Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers.	Currently, all materials incorporated for reference in Rule Chapter 69L-7 are incorporated in current rules that also include significant substantive rule provisions. The substantive provisions of these rules tend to be difficult to revise without delay, extensive debate, and even rule challenges. These difficulties hamper efforts to revise the mundane portions of the rule. Specifically, there are numerous documents that are incorporated by reference, which are updated annually by their publishers. It has become very challenging to keep these materials, which are crucial to keeping the Florida workers' compensation system current with nationally accepted billing and coding standards. Separating the materials incorporated by reference into separate rules will allow the timely and efficient revision of these materials without such revisions getting caught up in secondary issues that delay adoption.
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**DEPARTMENT OF FINANCIAL SERVICES
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DWC	440.13 440.525	69L-8.073	Materials for use with the Workers' Compensation Hospital Reimbursement Manual	This rule will separately incorporate by reference materials for the Workers' Compensation Hospital Reimbursement Manual.	Currently, all materials incorporated for reference in Rule Chapter 69L-7 are incorporated in current rules that also include significant substantive rule provisions. The substantive provisions of these rules tend to be difficult to revise without delay, extensive debate, and even rule challenges. These difficulties hamper efforts to revise the mundane portions of the rule. Specifically, there are numerous documents that are incorporated by reference, which are updated annually by their publishers. It has become very challenging to keep these materials, which are crucial to keeping the Florida workers' compensation system current with nationally accepted billing and coding standards. Separating the materials incorporated by reference into separate rules will allow the timely and efficient revision of these materials without such revisions getting caught up in secondary issues that delay adoption.
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**DEPARTMENT OF FINANCIAL SERVICES
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DWC	440.13 440.525	69L-8.074	Materials for use throughout Rule Chapter 69L-7, F.A.C.	Current rule 69L-7.710 is being split into multiple rules. This is the portion of the current rule, with revisions, incorporating materials by reference for use in the various aspects of workers' compensation medical billing. This includes the most current versions of manuals that represent national standards for medical bill coding.	Currently, all materials incorporated for reference in Rule Chapter 69L-7 are incorporated in current rules that also include significant substantive rule provisions. The substantive provisions of these rules tend to be difficult to revise without delay, extensive debate, and even rule challenges. These difficulties hamper efforts to revise the mundane portions of the rule. Specifically, there are numerous documents that are incorporated by reference, which are updated annually by their publishers. It has become very challenging to keep these materials, which are crucial to keeping the Florida workers' compensation system current with nationally accepted billing and coding standards. Separating the materials incorporated by reference into separate rules will allow the timely and efficient revision of these materials without such revisions getting caught up in secondary issues that delay adoption.
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Fn1:

SFM = Division of State Fire Marshal (69A rules)

Agent and Agency = Division of Agent and Agency Services (69B rules)

DIF = Division of Insurance Fraud (69D rules)

Accounting and Auditing = Division of Accounting and Auditing (69I rules)

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DWC = Division of Workers' Compensation (69L rules)

Divisions not listed do not anticipate proposing new rules during fiscal year 2014-2015