

# State of Florida



**Department of Financial Services  
Tallahassee, Florida**

I, the undersigned, Chief Financial Officer of the State of Florida, agency head of the Department of Financial Services (the DFS) pursuant to s. 20.121(1), Florida Statutes, and the Agency General Counsel, do hereby certify as follows:

- a. that pursuant to s. 120.74(1)(d), Florida Statutes, we have reviewed the attached agency's regulatory plan; and
- b. that the agency regularly reviews all of its rules to determine if the rules remain consistent with the agency's rulemaking authority and laws implemented.

DATED the 30<sup>th</sup> day of September, 2016.

A handwritten signature in blue ink that reads "M. Drew Parker".

M. Drew Parker, General Counsel

IN TESTIMONY WHEREOF, I hereto  
subscribe my name, and affix the Seal of my  
Office, at Tallahassee, the day and year first  
above written.

A handwritten signature in black ink that reads "Jeff Stewart".

Chief Financial Officer

**DEPARTMENT OF FINANCIAL SERVICES' 2016 - 2017 AGENCY REGULATORY  
PLAN PURSUANT TO SECTION 120.74(1), FLORIDA STATUTES**

- I. Pursuant to s. 120.74(1)(a), F.S., the following is a listing of each law enacted or amended during the time period of 7/1/15– 6/30/16 that created or modified the duties or authority of the agency, and agency action required pursuant to the law enactment or amendment.

<b>Chapter Law and Subject</b>	<b>Statute(s)</b>	<b>Duties or Authority</b>	<b>Rule Number</b>	<b>F.A.R. Citations; or Date Rule Expected to be Published</b>
2016-3; HB 7003, s. 1; Financial Literacy Program for Individuals with Developmental Disabilities	17.68 (created)	This bill creates the Financial Literacy Program for Individuals with Developmental Disabilities within the DFS to promote economic independence and successful employment of individuals with developmental disabilities by providing information and outreach to individuals and employers. The DFS shall develop and implement this program; establish on its website a clearinghouse for information regarding the program; and publish a brochure describing the program that is also accessible on its website. Also, an annual report is due to the Department of Management Services by <b>executive</b> agencies regarding their progress toward increasing employment among women, minorities, and individuals who have a disability.	No related rules	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> No rulemaking authority given. However, on 9/28/16, the Chief Financial Officer launched a new financial literacy program tailored to meet the needs of Floridians with developmental disabilities. Called "My Money," the interactive, web-based platform can be found at <a href="http://www.MyFloridaCFO.com/MyMoney">www.MyFloridaCFO.com/MyMoney</a> ."
2016-22; HB 479; s. 10; Special Districts	189.061(4)	The DFS shall notify the Department of Management Services of any special district that attempts to report as a special district in its annual financial report required by s. 218.32, F.S., when that entity is not included on the official list of special districts.	No related rules	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> This is a function of the DFS' Division of Accounting & Auditing.
2016-56; HB 613; Workers' Compensation System Administration	440.021; 440.05; 440.107; 440.13; 440.185; 440.42; 440.49; 440.50; 440.52; 624.4626	<p>The bill eliminates the new insurer registration fee (\$100), the Special Disability Trust Fund notice of claim fee (\$250), and the proof of claim fee (\$500). The bill also eliminates the Preferred Worker Program, which has been inactive for over 10 years.</p> <p>The bill revises provisions related to compliance and enforcement as follows:</p> <ul style="list-style-type: none"> <li>Creates a 25 percent penalty credit for employers who have not been issued a stop-work order or order of penalty assessment previously for non-compliance with coverage requirements if they maintain required business records and timely respond to the written DFS business records requests;</li> <li>Establishes a deadline for employers to file certain documentation to receive a penalty reduction;</li> <li>Reduces the imputed payroll multiplier related to penalty calculations from 2 times to 1.5 times the statewide average weekly wage;</li> <li>Eliminates a three-day response requirement applicable to employer held exemption documentation;</li> </ul>	<p>69L-11</p> <p>69L-6.028 and .035</p>	<p>This chapter was repealed, effective 9/14/16; Notice of Proposed Rule: Vol. 42, Issue 199.</p> <p>Related rulemaking is listed on Attachment A to this report.</p>

		<ul style="list-style-type: none"> <li>Allows employers to notify their insurers of their employees' coverage exemption, rather than requiring that a copy of the exemption be provided;</li> <li>Removes the employer's duty to notify the DFS within 24 hours of any injury resulting in death;</li> <li>The bill revises provisions related to health care services and disputes as follows: <ul style="list-style-type: none"> <li>Removes insurers and employers from the medical reimbursement dispute provision; and</li> <li>Allows a Judge of Compensation Claims the discretion to designate an expert medical advisor, rather than only those that are certified by the DFS.</li> </ul> </li> </ul>	69L-56.401  69L-31  69L-30	Related rulemaking listed on Attachment A to this report.  Related rulemaking listed on Attachment B to this report.  Related rulemaking listed on Attachment A to this report.
2016-58; HB 719, s. 7; Education Personnel	1012.75(3)	The Department of Education shall consult with the DFS to select the most economically prudent and cost-effective means of implementing an educator liability insurance program, through self-insurance, a risk management program, or competitive procurement. This statute was just amended to remove the July 1, 2016 expiration.	No related rules	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> No rulemaking authority given.
2016-66; HB 5001, s. 6; General Appropriations Act	N/A	The DFS shall audit all court-related expenditures of the Clerks of Court pursuant to ss. 28.241 and 28.35, F.S. The DFS shall report audit findings to the President of the Senate, Speaker of the House, and Executive Office of the Governor's Office of Policy and Budget on a quarterly basis. The first report is due 7/29/16 for the period 4/1/16 – 6/30/16, and quarterly thereafter.	N/A	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> No rulemaking authority given. This is a function of the DFS' Division of Accounting & Auditing.
2016-66; HB 5001, s. 6; General Appropriations Act	N/A	Re: Replacement of the FLAIR system - The DFS shall provide monthly project status reports to the chair of the Senate Committee on Appropriations, the chair of the House of Representatives Appropriations Committee, and the Executive Director of the Office of Policy and Budget that include progress made to date for each project milestone, planned and actual deliverable completion dates, planned and actual costs incurred, and any current project issues and risks being managed.	N/A	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> This is a function of the DFS' Florida Planning, Accounting, and Ledger Management program (Florida PALM).
2016-66; HB 5001, s. 6; General Appropriations Act	N/A	Re: Replacement of the FLAIR system – Funds are provided to the DFS to contract with a third-party consulting firm to complete a business case study for maintaining any of the agency business systems identified. The DFS shall submit the business case to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than November 1, 2016.	N/A	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> This is a function of the DFS' Florida PALM. The DFS has contracted with a consulting firm to complete the business study.
2016-83; HB 431, s. 1; Fire Safety  MANDATORY	633.202(16)(c)	The bill defines a non-residential farm building and establishes classes for use in which such buildings can be exempt from the Florida Fire Prevention Code, National Codes, and the Life Safety Code. The State Fire Marshal shall adopt rules for the use of alternative lifesafety and fire prevention standards for non-residential farm buildings, as well as notification and inspection	69A-67	Notice of Rule Development: Vol. 42, Issue 106; Notice of Proposed Rule: Vol. 42, Issue 171; Notice of Change: Vol. 42, Issue 179.

		requirements, for Classes 1 and 2; the application of the Florida Fire Prevention Code for structures in Class 3; and any other standards or rules deemed necessary in order to facilitate the use of structures for agritourism activities.		
2016-90; HB 783; Unclaimed Property	717.101; 717/117; 717.1235 (created); 717.1243; 717.1262; 717.1333; 717.135; 717.1351; 717.1381 (repealed); 717.139; 717.1400	<p>This bill:</p> <ul style="list-style-type: none"> <li>• Eliminates exceptions to the general 20 percent fee cap for out-of-country claimants and non-probated claims;</li> <li>• Requires that the purchase agreement for unclaimed property which compensates the buyer through a flat fee shows the fee as a percentage of the property;</li> <li>• Requires that agreements to recover unclaimed property other than an original limited power of attorney be executed by the claimant no earlier than the date the claimant executed the original limited power of attorney;</li> <li>• Requires a claim for unclaimed property to include certified copies of all court pleadings to establish entitlement to the property which were filed within 180 days before the claim form is signed;</li> <li>• Repeals a provision giving the DFS the exclusive right to notify owners of the existence of unclaimed property valued at more than \$250 within the first 45 days after the property is added to the unclaimed property database;</li> <li>• Provides that unclaimed property in a campaign account for public office will escheat to the state and the proceeds will be deposited in the State School Trust Fund;</li> <li>• Increases from \$5,000 to \$10,000 the aggregate value of the unclaimed property held by the DFS which may be claimed by the beneficiary of the estate of a deceased owner without initiating probate proceedings;</li> <li>• Authorizes the DFS to estimate the value of unclaimed property held by the holder of the property if the holder fails to provide records after being requested to do so;</li> <li>• Increases to 30 days from 10 days the time by which a purchaser of unclaimed property must pay the seller, and voids the claim by the purchaser, if proof of payment is not filed with the DFS; and</li> <li>• Exempts unclaimed patronage refunds held by a not-for-profit water and wastewater corporation under s. 196.2002, F.S., from the unclaimed property statute.</li> <li>• The DFS shall prescribe by rule forms for a private investigator holding a Class "C" individual license under ch. 493, F.S., to register to file claims.</li> </ul>	69G-20 (formerly 69I-20)	<p>69I-20 was transferred to 69G-20, effective 7/1/16.</p> <p>Related rulemaking listed on Attachment A to this report. The Division of Unclaimed Property is working on a substantial re-write of the entire chapter, which will include renumbering.</p>
2016-92; HB 965, s. 1; Firesafety	429.41(1)	Uniform firesafety standards for assisted living facilities (ALFs) shall be established by the State Fire Marshal pursuant to s. 633.206, F.S.	69A-40	Expect to publish Notice of Rule Development prior to

MANDATORY		<p>The bill also authorizes the State Fire Marshal to use the most current edition of the National Fire Protection Association (NFPA), Life Safety Code, NFPA 101 and 101A, in determining the uniform safety fire code adopted for ALFs. The bill amends s. 429.41, F.S., to repeal current fire safety requirements for ALFs that utilized previous editions of the NFPA Life Safety Code, including NFPA 101, 1994 edition.</p> <p>The bill allows ALFs that have a building permit or certificate of occupancy issued before July 1, 2016, to remain under the provisions of the 1994 and 1995 editions of the NFPA Life Safety Code. Such facilities may make repairs, modernizations, renovations, or additions to or rehabilitate the facility in compliance with the 1994 and 1995 editions, as applicable. A facility must comply with the current NFPA Life Safety Code if it undergoes a Level III building alteration or rehabilitation under the Florida Building Code or seeks to utilize features not authorized under the 1994 or 1995 editions.</p> <p>The bill removes the requirement that the State Fire Marshal provide specified training and education to the Agency for Health Care Administration employees and local government inspectors.</p> <p>The bill prohibits a local government or a utility from charging fees in excess of the actual expenses incurred in the installation and maintenance of an automatic fire sprinkler system in an existing ALF.</p>		11/1/16.
2016-116; HB 183, s. 6; Administrative Procedures	120.695(2)(c)1.	Report due 6/30/17 to Legislature, JAPC, and the rules ombudsman certifying all rules that have been designated as minor violations; must publish on our website; and update when necessary.	No related rules	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> No rulemaking authority given; required report by all agencies.
2016-129; HB 535, s. 16; Florida Building Code  MANDATORY	553.721	(NOTE: The Florida Building Code Compliance and Mitigation Program shall fund the recommendations made by the Building Code System Uniform Implementation Evaluation Workgroup.) The State Fire Marshal shall adopt rules to address the implementation and expenditure of the funds allocated to fund the Florida Fire Prevention Code informal interpretations under this section.	69A-60.011	Expect to publish Notice of Rule Development prior to 11/1/16.
2016-132; HB 651, s. 1; Department of Financial Services	48.151(3)	This bill allows the DFS to create a system for electronic service of process and create an internet-based system for distributing documents to insurance companies.	No related rules	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> No rulemaking authority given. The DFS' Service of Process section has created a new web portal for parties to submit legal process documents and pay service fees

				electronically to the DFS for service to the insurers.
2016-132; HB 651, s. 3; Department of Financial Services	112.215(12)	The CFO may adopt any rule necessary to administer and implement this act with respect to deferred compensation plans – this section adds persons employed by a state university, a special district, or a water management district.	69C-6.003	Related rulemaking is listed on Attachment A to this report.
2016-132; HB 651, s. 6; Department of Financial Services	215.97(2)(a)	This section amends the Florida Single Audit Act to increase the audit threshold from \$500,000 to \$750,000 to conform to the federal single audit act.	69I-5.006	Related rulemaking is listed on Attachment A to this report.
2016-132; HB 651, s. 7; Department of Financial Services	322.142(4)(j)	This bill allows the DFS to have access to digital photographs from the Department of Highway Safety and Motor Vehicles (DHSMV) to investigate allegations of violations of the insurance code.	No related rules	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> No rulemaking authority given. The DFS has a Memorandum of Understanding with DHSMV for electronic access.
2016-132; HB 651, s. 9; Department of Financial Services  MANDATORY	509.211(4)	The Division of State Fire Marshal shall adopt rules related to carbon monoxide detectors in public lodging establishments in rooms containing boilers regulated under ch. 554, F.S.	69A-70	Notice of Rule Development: Vol. 42, Issue 130.
2016-132; HB 651, s. 18; Department of Financial Services	627.7074(7) (a)5.	This section amends the qualifications of a neutral evaluator to provide that one cannot serve as a neutral evaluator on a claim if the individual was employed, within the previous five years, by any firm that did any sinkhole loss testing, review, or analysis for the property.	69J-8.004	This rule, Qualification & Certification of Neutral Evaluators, was repealed on 7/27/15 because statutory clarifications eliminated the need for the rule. Notice of Proposed Rule: Vol. 41, Issue 70.
2016-132; HB 651, s. 20; Department of Financial Services	633.107 (created)	The Division may adopt rules to grant an exemption from disqualification from licensure or certification by the Division of State Fire Marshal because of a criminal record or dishonorable discharge from the U.S. Armed Forces, etc.	N/A	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> Rulemaking is discretionary.
2016-132; HB 651, s. 21; Department of Financial Services  MANDATORY	633.135 (created)	The DFS shall adopt rules and procedures for the newly created Firefighter Assistance Grant Program.	69A-37.501 and 69A-37.502	Notice of Rule Development for both rules: Vol. 42, Issue 122; 2 <sup>nd</sup> Notice of Rule Development for 69A-37.502: Vol. 42, Issue 150.
2016-132; HB 651, s. 23; Department of Financial Services	633.408(9) [s. (9) created]	This bill provides for expiration of firefighter certifications after four years.	69A-37.0527	This existing rule already provides for expiration of firefighter certifications after four years in that the certificates must be renewed every four years.
2016-132; HB 651, s. 25; Department of Financial Services	633.414(1)	This bill amends the renewal process for Firefighter Certificates of Compliance.	69A-37.0527	This existing rule already provides for renewal of firefighter certifications after four years.

2016-132; HB 651, s. 27; Department of Financial Services	717.138	The DFS may adopt rules to allow for electronic filing of fees, forms, and reports relating to disposition of unclaimed property.	69G-20.0021	Related rulemaking is listed on Attachment A to this report.
2016-132; HB 651; Department of Financial Services	110.1315; 137.09; 215.555; 374.983; 624.307; 624.423; 624.502; 626.854; 626.907; 626.921; 626.931; 626.9892; 633.102; 633.208; 633.412; 633.426 627.062; 627.0645	<p>Other changes made:</p> <p>Under current law, the exemption for medical malpractice insurance premiums from emergency assessments of the Florida Hurricane Catastrophe Fund will expire May 31, 2016. The bill extends the exemption until May 31, 2019.</p> <p>The bill provides that a licensed health insurance agent who assists an insured with coverage questions, medical procedure coding issues, balance billing issues, understanding the claim filing process, or filing a claim is not acting as a public adjuster.</p> <p>The bill authorizes the DFS to select five persons nominated by the Florida Surplus Lines Association to serve on the Florida Surplus Lines Service Office board of governors. Current law requires the DFS to select members from the Florida Surplus Lines Association's regular membership but does not provide for nominations. The bill also provides that a surplus lines agent who has not transacted business during a quarter need not file an affidavit with the Florida Surplus Lines Service Office stating that all business conducted by the agent has been submitted to the office.</p> <p>The bill exempts travel insurance from the full rate review requirements of s. 627.062(2)(a) and (f), F.S., and the requirement to annually make a rate filing under s. 627.0645, F.S., if the insurance is issued as a master group policy, with a situs in another state, where each certificateholder pays less than \$30 for each covered trip, and if the insurer has written less than \$1 million in annual travel insurance premiums in this state during the most recent calendar year.</p> <p>The bill amends the Anti-Fraud Reward Program to allow rewards for persons who provide information related to crimes investigated by the State Fire Marshal.</p>	N/A	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> No rulemaking authority given.
2016-133; HB 659, s. 5; Automobile Insurance	627.744(8) [s. (8) created]	The Division of Insurance Fraud shall provide a report of data from the required preinsurance inspection of motor vehicles to the Governor, the President of the Senate, and the Speaker of the House by 12/1/16.	N/A	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> No rulemaking authority given.
2016-159; SB 592, ss. 1 and 2; Public Records/ Dept. of Financial Services/ EMTs or Paramedics	119.071(4)(d)2. a.(IV)	This bill provides an exemption from public records requirements for the personal identifying and location information of certain non-sworn investigative personnel of the DFS and the names and personal identifying and location information of the spouses and children of such personnel.	N/A	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> No rulemaking authority given.

2016-163; SB 708, s. 2; Arthur G. Dozier School for Boys	(No statute referenced)	The newly created "Dozier Task Force" shall have one representative who promotes the welfare of people who are former wards of the Dozier School for Boys appointed by the Chief Financial Officer.	N/A	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> No rulemaking authority given. The statute merely allows the Chief Financial Officer to appoint a member to the Dozier Task Force.
2016-165; SB 908; Organization of the Department of Financial Services	17.04; 17.0401; 20.121; 624.26; 624.307; 16.59; 400.9935; 409.91212; 440.105; 440.1051; 440.12; 624.502; 624.521; 626.016; 626.989; 626.9891; 626.9892; 626.9893; 626.9894; 626.99278; 627.351; 627.711; 627.736; 627.7401; 631.156; 641.30; 282.709; 552.113; 552.21; 633.112; 633.114; 633.122; 633.126; 633.422; 633.508; 633.512; 633.518; 791.013; 538.32; 717.1241; 717.1323; 717.135; 717.1351; 717.1400; 932.7055	<p>The bill changes the organization of the DFS. The bill repeals the statutory requirement to establish the following divisions and bureau:</p> <ul style="list-style-type: none"> <li>• The Division of Legal Services;</li> <li>• The Division of Information Systems and;</li> <li>• The Bureau of Unclaimed Property.</li> </ul> <p>The bill creates a Division of Unclaimed Property within the DFS. The DFS will continue to perform the functions performed by the Division of Legal Services and the Division of Information Systems but the CFO will have the authority to determine the organizational placement of those functions within the DFS.</p> <p>The bill renames the Division of Insurance Fraud as the Division of Investigative and Forensic Services. It creates the Bureau of Forensic Services and the Bureau of Fire and Arson Investigations within the new division. The bill moves the Office of Fiscal Integrity from the Division of Accounting and Auditing to the new Division of Investigative and Forensic Services. The new division will perform the investigative functions formerly performed by the Divisions of Insurance Fraud and State Fire Marshal.</p>	69D-4 (formerly 69A-61)  69D-5 (formerly 69A-63)  69G-20 (formerly 69I-20)	<p>Transfer of 69A-61, "Rules of the Bureau of Fire &amp; Arson Investigation," to 69D-4; and 69A-63, "The Arson Laboratory," to 69D-5, effective 7/1/16. Technical changes also made.</p> <p>69I-20, "Unclaimed Property," transferred to 69G, including forms, effective 7/1/16.</p>
2016-165; SB 908, s. 5; Organization of the Department of Financial Services	624.307(10) [s. (10) created, but see explanation]	The DFS may adopt rules to administer functions of the Division of Consumer Services.	No related rules	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> This was merely transferred from s. 20.121, F.S., to s. 624.307, F.S.; no changes to verbiage.
2016-165; SB 908, s. 30;	633.112(6)(c)	The State Fire Marshal shall adopt rules to assist local fire officials and law enforcement officers in determining the established	69D-5.001	A technical change letter was submitted on 8/11/16. The change



Organization of the Department of Financial Services		responsibilities with respect to the initial or preliminary assessment of fire and explosion scenes, and the determination of whether probable cause exists to refer such scenes to the State Fire Marshal for an investigation.		simply replaces the word "Division" with "State Fire Marshal." This legislation has no impact on any of the existing rules that are already in place; therefore, no action is needed.
2016-165; SB 908, s. 35; Organization of the Department of Financial Services	633.508(7)(a), (b), & (c)	The DFS shall: (a) Investigate and prescribe by rule what safety devices, safeguards, or other means of protection must be adopted for the prevention of accidents and injuries in every firefighter employee place of employment or at any fire scene; determine what suitable devices, safeguards, or other means of protection for the prevention of occupational diseases must be adopted or followed in any or all such firefighter places of employment or at any emergency fire scene; and adopt reasonable rules for the prevention of accidents, the safety, protection, and security of firefighter employees engaged in interior firefighting, and the prevention of occupational diseases. (b) Ascertain, fix, and order such reasonable standards and rules for the construction, repair, and maintenance of firefighter employee places of employment so as to render them safe. Such rules and standards shall be adopted in accordance with chapter 120. (c) Adopt rules prescribing recordkeeping responsibilities for firefighter employers, which may include maintaining a log and summary of occupational injuries, diseases, and illnesses, for producing on request a notice of injury and firefighter employee accident investigation records, and prescribing a retention schedule for such records.	69A-62.0001, .021 and .030	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> The change simply replaces the word "Division" with "Department" in the first line of the statute. This legislation has no impact on any of the existing rules and forms that are already in place; therefore, no action is needed.
2016-165; SB 908, s. 38; Organization of the Department of Financial Services	791.013(3)	For purposes of the testing requirement by this section, the division shall perform such tests as are necessary to determine compliance with the performance standards in the definition of sparklers, pursuant to s. 791.01. The State Fire Marshal shall adopt, by rule, procedures for testing products to determine compliance with this chapter. The Division of Investigative and Forensic Services shall dispose of any samples which remain after testing.	69A-50	Rulemaking duties pre-existed: Notice of Rule Development: Vol. 41, Issue 116; Notice of Proposed Rule: Vol. 41, Issue 151. The only change was to the name of the division (Division of Investigative and Forensic Services).
2016-172; SB 854, s. 3; Funeral, Cemetery, and Consumer Services	497.146	The DFS may adopt rules, forms, and procedures, including a procedure for electronic reporting of the data provided pursuant to this section (licensing).	69K-1.005	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> This rule currently exists.
2016-172; SB 854, ss. 4, 5, 8, 21, 26 & 28; Funeral, Cemetery, and Consumer Services	497.152(15)(b); 497.161(1); 497.2675(1) & (2); 497.458(1)(a) & (d); 497.458(4); 497.462(9); 497.465(9)	Requires the Board of Funeral, Cemetery, and Consumer Services to adopt rules (also gives discretionary authority) to adopt rules regarding these statutory sections.	N/A	Rulemaking authority is given to the Board of Funeral, Cemetery, and Consumer Services. Board rules are promulgated by the Office of the Attorney General. John Barnhart is the Board attorney.

2016-179; SB 1044, s. 6; Contraband Forfeiture	932.7062 (created)	The CFO is designated as the enforcement authority for the imposition of a civil fine of \$5,000 for failure of a seizing agency to submit a specified annual report to the Florida Department of Law Enforcement relating to the Florida Contraband Forfeiture Act. The bill does not identify the mechanism to be used by and available to the CFO, which is a Cabinet agency and not an executive agency, to enforce the imposition of the civil fine against law enforcement agencies subject to the reporting requirements that do not comply. It is not clear why the CFO has been designated as the enforcement authority. Certain divisions within the DFS initiate forfeiture seizures and actions and participate with other agencies in forfeitures through forfeited asset sharing agreements. As such, this agency's enforcement divisions and partner agencies are also subject to the reporting requirements, and identifying the DFS as the agency with enforcement authority for non-compliance with the act may lead to circumstances wherein the appearance of a conflict, or an actual conflict, may arise during enforcement proceedings.	No related rules	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> No rulemaking authority given.  OPPAGA formed a work group to discuss implementation of this new law.
2016-185; SB 218; s. 1; Offenses Involving Electronic Benefits	414.39(2)	This bill amends s. 414.39, F.S., relating to public assistance fraud. This statute, in part, punishes a person who knowingly traffics (or knowingly attempts to traffic or knowingly aids another person in trafficking) in a food assistance card, an authorization for the expenditure of food assistance benefits, a certificate of eligibility for medical services, or a Medicaid identification card in any manner not authorized by law.	No related rules	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> Rulemaking authority given to the Department of Children & Families.
2016-202; SB 1386; ss. 1 and 2; Insurance Agents	626.593(1); 626.785(1)(d) & (3)	Revises a prohibition against a licensed insurance agent from receiving any fee or commission for examining any health insurance or any health benefit plan, rather than any group health insurance or any group health benefit plan without a contract; revises amounts of coverage of certain life insurance policies that may be sold by specified persons; revises the version of the Annual Consumer Price Index used as a basis for calculating certain annual percentage increases in specified policies.	69O-148.001	The referenced rule is not a DFS rule; rather it is one of the Office of Insurance Regulation's rules.
2016-203; SB 1402, s. 1; Ratification of Dept. of Financial Services Rules	N/A	This bill ratifies rule 69L-7.020, the Florida Workers' Compensation Health Care Provider Reimbursement Manual, for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding the specified thresholds for likely adverse impact or increase in regulatory costs.	69L-7.020	This provided for ratification of the referenced rule.
2016-219; SB 966; Unclaimed Property	717.107	The bill requires life insurers to determine whether their life or endowment insurance policyholders, annuitants, and retained asset account holders have died by annually comparing them against the United States Social Security Administration Death Master File (DMF). If an insurer compares annuities and other books of business with the DMF, the insurer must perform the comparison required by this bill at the same frequency. Insurers must also compare all life or endowment insurance policies, annuity contracts, and retained asset	69G-20 (formerly 69I-20)	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> No rulemaking authority given.  Related rulemaking is listed on Attachment A to this report. The Division of Unclaimed Property is working on

		<p>accounts that were in force on or after January 1, 1992. An insurer is required to perform the DMF comparison only for policies that are currently in-force if the insurer has compared all policies that were in force on or after January 1, 1992, or as of June 30, 2016, has a favorable targeted market conduct examination from the Office of Insurance Regulation (OIR) regarding claims-handling practices and use of the DMF or as of June 30, 2016, has entered into a regulatory settlement agreement with the OIR. The following products are not subject to the requirements of the bill: an annuity issued in connection with an employment-based plan subject to the Employee Retirement Income Security Act of 1974 or issued to fund an employment-based retirement plan, credit life or accidental death insurance, a joint and survivor annuity if an annuitant is still living, a policy issued to a group master policy owner for which the insurer does not perform recordkeeping functions, and life insurance assigned to a preneed licensee to fund a preneed funeral merchandise or service contract.</p> <p>If a death is indicated, the bill requires the insurer to verify the death, verify if the deceased had other products with the company, determine if benefits are due, and attempt to locate and contact beneficiaries. If the policy or contract proceeds remain unclaimed 5 years after the date of death of the insured, annuitant, or account holder, the property escheats to the state as unclaimed property. Fines, penalties, or additional interest may not be imposed on the insurer for failure to report and remit property under the bill if such proceeds are reported and remitted to the DFS' Bureau of Unclaimed Property no later than May 1, 2021.</p> <p>The bill applies to all life insurers' requirements agreed to by many of the largest life insurers in settlement agreements with the DFS, the Office of the Attorney General, and the Office of Insurance Regulation (OIR), often as part of multi-state settlement agreements. The settlement agreements are related to examinations that often find insurers use information from the Social Security Administration's Death Master File to stop paying a deceased person's annuity, but do not use such information to search for beneficiaries of a life insurance policy. According to the OIR, these settlement agreements have resulted in the return of over \$5 billion to beneficiaries directly by the companies nationwide and over \$2.4 billion being delivered to the states, which also attempt to locate and pay beneficiaries.</p>		<p>a substantial re-write of the entire chapter, which will include renumbering.</p> <p>Also, the DFS has contracted with LexisNexis/Accurint for access to Death Master File.</p>
2016-237; HB 7029, s. 15; Education	1013.64(6)	The CFO shall make one appointment (a licensed certified public accountant) to each school district capital outlay oversight committee.	N/A	<b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> No rulemaking authority given. The statute merely allows the Chief Financial Officer

2016-237; HB 7029, s. 21; Education	1004.935(8) & (9)	(8) Upon notification by the Department of Education that it has received the required documentation, the Chief Financial Officer shall make scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year in which the scholarship is in force. (9) Subsequent to each scholarship payment, the Department of Education shall request from the DFS a sample of endorsed warrants to review and confirm compliance with endorsement requirements.	N/A	to make appointments. <b>Written Explanation Why Law May be Implemented Without Rulemaking:</b> No rulemaking authority given. This is a function of the DFS' Division of Accounting & Auditing.
2016-241; SB 12, s. 18; Mental Health and Substance Abuse	394.879(5)	The Agency for Health Care Administration shall provide technical assistance to the Florida Building Commission and the State Fire Marshal in updating the construction standards of the Florida Building Code and the Florida Fire Prevention Code which govern crisis stabilization units.	N/A	No action needed by the DFS.

II. Pursuant to s. 120.74(1)(b), F.S., please see Attachment A, a listing of rules the agency expects to promulgate during the 2016-2017 fiscal year.

III. Pursuant to s. 120.74(1)(c), F.S., please see Attachment B, the agency's update to the prior year's regulatory plan.

IV. Pursuant to s. 120.74(2), F.S., the agency has done the following:

- a. published its regulatory plans on its website with clearly labeled hyperlinks to the current plan and past plans on the agency's primary website homepage at [http://www.myfloridacfo.com/Rule\\_Review/](http://www.myfloridacfo.com/Rule_Review/);
- b. electronically furnished a copy of this plan with its certification to the Joint Administrative Procedures Committee; and
- c. published in the *Florida Administrative Register* a notice identifying the date of publication of the agency's 2016-2017 regulatory plan.

# **ATTACHMENT A**

## **RULEMAKING DURING 2016-2017**

**69A = State Fire Marshal**

**69B = Insurance Agent and Agency Services**

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RULE NUMBER	TITLE	EXPLANATION	INTENDED TO: A. Simplify or clarify; B. Increase efficiency; C. Improve coordination with other agencies; D. Reduce regulatory costs; or E. Delete obsolete, unnecessary, or redundant rules.
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69A-21.102	Dealer License	The NFPA standards adopted by reference in subsection (1) need to be checked by the Division to determine whether the correct edition has been adopted. Effective dates for Compressed Gas Association publications are out of date. Also, CFR sections adopted in 1996 editions of CGA publications have been amended many times since then. These standards are also adopted in 69A-60. Also, subsection (6) that requires notice for structures with light-frame truss construction is adopted again in 69A-60.0081. All standards adopted by reference in subsection (12) need to have updated effective dates. The first sentence in (12)(a) is a run-on sentence. There should be a period after "the required equipment listed below."	A, B, and C
69A-37.062	Procedures for State Firefighter Certification Examination Day	The Bureau of Fire Standards and Training received a request from the Florida Fire Training Directors Association to update this rule. The Bureau has conducted several listening sessions and has a draft rule amendment.	A, B, C, and D
69A-37.065	Programs of Study and Vocational Courses	Rulemaking to amend the prepared Fire Investigator Program.	A and B
69A-46.0165	Submission of the Application for a Water-Based Fire Protection Inspector Permit	Adding language to reflect there is an equivalent certification (that was approved in October 2013.)	A
69A-46.030	Definitions	Adding definitions.	A
69A-46.035	Standards of the National Fire Protection Association to be Complied With	The specific NFPA Standards are being deleted in this section since they are listed in 69A-3.012.	A
69A-46.040	Installation Requirements for Automatic Sprinkler Systems Employing Water as the Extinguishing Agent	In subsection (6) add "authorized agent" or a contractor shall complete the contractor's Materials and Test Certificates, as well as signing and dating. Revise language in subsection (8) to state that an initial tag will not be placed on the system until its first inspection is due according to 69A-46.041.	A
69A-46.041	Inspection Requirements for Fire Protection Systems	Identifying the specific NFPA Standard adopted and adding the acronym ITM, as well as requesting all NFPA 25 inspections/tests that are required more frequently to be conducted at the same frequency as during an inspection/test.	A

# **ATTACHMENT A**

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RULE NUMBER	TITLE	EXPLANATION	INTENDED TO: A. Simplify or clarify; B. Increase efficiency; C. Improve coordination with other agencies; D. Reduce regulatory costs; or E. Delete obsolete, unnecessary, or redundant rules.
69A-60.001	Title	Develop the 6th Edition of the Florida Fire Prevention Code. Pursuant to s. 633.202, F.S. The State Fire Marshal is directed to adopt a new edition of the Florida Fire Prevention Code every third year. The new code is scheduled to be adopted by rule during the upcoming two years pursuant to s. 633.202(2), F.S.	A, B, C, and D
69A-60.002	Scope; Description of Florida Fire Prevention Code.	Develop the 6th Edition of the Florida Fire Prevention Code. Pursuant to s. 633.202, F.S. The State Fire Marshal is directed to adopt a new edition of the Florida Fire Prevention Code every third year. The new code is scheduled to be adopted by rule during the upcoming two years pursuant to s. 633.202(2), F.S.	A, B, C, and D
69A-60.003	Standards of the National Fire Protection Association, NFPA 1, the Fire Code, Florida 2012 Edition, Adopted	Develop the 6th Edition of the Florida Fire Prevention Code. Pursuant to s. 633.202, F.S. The State Fire Marshal is directed to adopt a new edition of the Florida Fire Prevention Code every third year. The new code is scheduled to be adopted by rule during the upcoming two years pursuant to s. 633.202(2), F.S.	A, B, C, and D
69A-60.004	Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2012 Edition, Adopted	Develop the 6th Edition of the Florida Fire Prevention Code. Pursuant to s. 633.202, F.S. The State Fire Marshal is directed to adopt a new edition of the Florida Fire Prevention Code every third year. The new code is scheduled to be adopted by rule during the upcoming two years pursuant to s. 633.202(2), F.S.	A, B, C, and D
69A-60.005	Publications Referenced in NFPA 1, the Florida 2012 Edition, and NFPA 101, the Florida 2012 Edition, Added to the Florida Fire Prevention Code	Develop the 6th Edition of the Florida Fire Prevention Code. Pursuant to s. 633.202, F.S. The State Fire Marshal is directed to adopt a new edition of the Florida Fire Prevention Code every third year. The new code is scheduled to be adopted by rule during the upcoming two years pursuant to s. 633.202(2), F.S.	A, B, C, and D
69A-60.006	Manufactured and Prototype Buildings	Develop the 6th Edition of the Florida Fire Prevention Code. Pursuant to s. 633.202, F.S. The State Fire Marshal is directed to adopt a new edition of the Florida Fire Prevention Code every third year. The new code is scheduled to be adopted by rule during the upcoming two years pursuant to s. 633.202(2), F.S.	A, B, C, and D
69A-60.007	Enforcement of the Florida Fire Prevention Code	Develop the 6th Edition of the Florida Fire Prevention Code. Pursuant to s. 633.202, F.S. The State Fire Marshal is directed to adopt a new edition of the Florida Fire	A, B, C, and D

# **ATTACHMENT A**

## **RULEMAKING DURING 2016-2017**

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		Prevention Code every third year. The new code is scheduled to be adopted by rule during the upcoming two years pursuant to s. 633.202(2), F.S.	
69A-64.005	Adjustments to Reflect Consumer Price Index	Regarding the firefighter death benefits rule for year 2016-2017, there was an increase of 1.1 percent in the last 12 months on the Consumer Price Index ( <a href="http://www.bls.gov/cpi/cpid1604.pdf">http://www.bls.gov/cpi/cpid1604.pdf</a> ). Accordingly, this rule will need to be amended to reflect the increase in the CPI.	N/A: s. 112.191(2)(i), F.S., requires an annual adjustment of the amount of the death benefit.
69B-220.051	Conduct of Public Adjusters	Add language to further clarify "prompt notice" of a claim to an insurer.	A
69B-220.201	Ethical Requirements	The Division of Insurance Agent and Agency Services would like to initiate rulemaking regarding public adjusters guidelines for apprentices and their supervising adjusters.	A
69B-221.051	Actively Engaged in Business; Place Suitably Designated; Accessible to Public	The revision date for Form DFS-H2-1541 is listed as 7/13 in subsection (1); however, on the Division's website, the form has an effective date of 5/12.	A
69B-221.095	Soliciting Business	Amend rule to correct the form revision date. The form adopted in subsection (2) was revised in 6/11.	A
69B-221.135	Collateral Security Requirements	Division wants to initiate rulemaking regarding types of acceptable collateral security.	A
69B-221.155	Forms for Limited Surety (Bail Bond) Agents	On the Division's website where forms are listed and available, Form DFS-H2-1509 has an incorrect revision date. Forms DFS-H2-2083 and 2084 are not available on the website and were not available for review. The Bureau of Licensing should be advised of the website issue.	A
69C-6.003	The Plan; Prescribed Forms	Currently, the deferred compensation has university, special district and water management districts as non-centralized agencies in its program. The Division of Treasury, Bureau of Deferred Compensation, needs to include the parameters to allow the non-centralized entities in the program. In addition, Form DFS-J3-1176 (rev. 03/15) will need to be updated. Also, the Bureau would like to change its Investment Policy for Product Selection and Retention; Form DFS-J3-1541.	A and C
69D-1	Anti-Fraud Reward Program	Chapter 2016-132, Laws of Florida, amended the Anti-Fraud Reward Program to allow rewards for persons who provide information related to crimes investigated by the State Fire Marshal.	A and C

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69E121.007	Public Records and Availability of Forms: Procedures for Inspecting and Copying Public Records and for Obtaining Department Forms; Fees	This rule needs to be amended to update procedural information.	A
69E-121.010	Indexing, Management, and Availability of Final Orders	Chapter 2015-155, Laws of Florida, modified s. 120.53, F.S., and required all agency final orders be filed with the Division of Administrative Hearings. Accordingly, we can repeal our final orders rule, once the Department of State's (DOS) final order rule is finalized (DOS was given rulemaking authority).	E
69G-20	Unclaimed Property	The newly created Division of Unclaimed Property is working on a substantial re-write of the entire chapter, which will include renumbering.	A, B, and E
69G-20.0030	Savings Bonds	In 2016, the Florida Legislature enacted s. 717.1381, F.S., to provide for a circuit court procedure for escheating to the State of Florida unclaimed United States savings bonds registered in the name of Florida residents. Once the bonds have been escheated to the State of Florida, the DFS may request that the bond proceeds be remitted to the DFS by the United States Treasury. The Florida Legislature also enacted s. 717.1382, F.S., which provides that the DFS may approve a claim for the escheated bonds upon the claimant providing sufficient proof of the validity of the person's claim. The proposed rule specifies who may receive either the physical U.S. savings bond (where the proceeds thereof have not yet been remitted to the DFS) or the proceeds of the bonds that have been paid by the United States Treasury to the DFS.	B and C
69I-21.005	Procedure for Processing and Approving Settlement of Claims in Favor of the State	Rulemaking will eliminate an inconsistency between rules 69I-21.003 and 69I-21.005. 69I-21.005 states: (2) Should any agency negotiate a proposed settlement agreement as to a delinquent account receivable prior to the date that the delinquent account receivable is required to be transferred to the Department for collection under Rule 69I-21.003, F.A.C., the agency shall submit the proposed settlement agreement to the Department for approval prior to execution, or in the alternative, the agency may execute a provisional settlement agreement which under its terms will become effective only upon the Department's subsequent approval.	A and B



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		However, 69I-21.003 no longer requires that the delinquent account receivable be transferred to the Department for collection, rather the rule requires that the agencies assign the account to a debt collection agency. Rule 69I-21.003 was significantly amended in 2014, and rule 69I-21.005 has not been amended since 1986.	
69I-23.002	Definitions	This rulemaking is just a clean-up (merging 4 forms into one) and non-controversial. It only impacts agencies.	A
69I-23.003	Establishment, Changes, and Continuation of Revolving Fund	This rulemaking is just a clean-up (merging 4 forms into one) and non-controversial. It only impacts agencies.	A, B, and C
69I-23.004	Use of Revolving Fund	This rulemaking is just a clean-up (merging 4 forms into one) and non-controversial. It only impacts agencies.	A
69L-3.025	Forms	HB 613 deleted s. 440.185(3), F.S. (2015) which required reporting injured worker deaths to DWC within 24 hours. Form DFS-F2-DWC-1, which states the reporting requirement that will become obsolete 10/1/16, needs to be changed. Perhaps this can be done with a technical change. The form is adopted in rule 69L-3.025(1)(a). There is also an interactive PDF DWC-1 form adopted in 69L-3.025(1)(b) which seems to be a duplicate of the (1)(a) form.	A
69L-6.028	Procedures for Imputing Payroll and Penalty Calculations	The Division of Workers' Compensation is amending the rule to harmonize it with current DWC practice of calculating penalties for non-compliant employers and to address penalty calculation issues identified by DOAH in recommended orders in compliance cases.	A and D
69L-6.035	Definition of Payroll for Calculating Penalty	The Division of Workers' Compensation is amending the rule to harmonize it with current DWC practice of calculating penalties for non-compliant employers and to address penalty calculation issues identified by DOAH in recommended orders in compliance cases.	A and D
69L-7.020	Florida Workers' Compensation Health Care	The Division of Workers' Compensation needs to amend this rule to account for revisions to the manual and update several other publications. The changes to the	A

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RULE NUMBER	TITLE	EXPLANATION	INTENDED TO:
			<b>A. Simplify or clarify;</b> <b>B. Increase efficiency;</b> <b>C. Improve coordination with other agencies;</b> <b>D. Reduce regulatory costs; or</b> <b>E. Delete obsolete, unnecessary, or redundant rules.</b>
	Provider Reimbursement Manual	manual and initiation of rulemaking were authorized by the Three-Member Panel at its April 20, 2016, meeting.	
69L-7.100	Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers	The Division of Workers' Compensation needs to amend this rule to account for revisions to the manual and update several other publications. The changes to the manual and initiation of rulemaking were authorized by the Three-Member Panel at its April 20, 2016, meeting.	A
69L-7.501	Florida Workers' Compensation Reimbursement Manual for Hospitals	The Division of Workers' Compensation needs to amend this rule to account for revisions to the manual and update several other publications. The changes to the manual and initiation of rulemaking were authorized by the Three-Member Panel at its April 20, 2016, meeting.	A
69L-8.200	Materials for use with Electronic Data Interchange (EDI) Requirements for Proof of Coverage and Claims (Non-Medical) in Rule Chapter 69L-56, F.A.C.	The proposed rule reorganizes incorporated materials that are utilized in conjunction with DFS' Division of Workers' Compensation's Electronic Data Interchange (EDI) manuals and forms throughout Rule Chapter 69L-56, F.A.C., entitled "Electronic Data Interchange (EDI) Requirements for Proof of Coverage and Claims (Non-Medical)."	A and B
69L-30	Expert Medical Advisors	Rulemaking is needed to comply with Chapter 2016-56, Laws of Florida.	A and D
69L-56.401	First Report of Injury or Illness; Employer's Responsibility to Record and Report Accidents	Existing s. (2)(d) needs to be deleted, as it relates to death reporting requirements. Chapter Law 2016-56, Laws of Florida, deleted s. 440.185(3), F.S., which required reporting injured worker deaths to the Division of Workers' Compensation within 24 hours, so the reporting requirement is obsolete.	A

**ATTACHMENT B – UPDATE TO**  
**DEPARTMENT OF FINANCIAL SERVICES'**  
**PROPOSED RULES FOR 2015-2016 FISCAL YEAR**

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RULE NUMBER	TITLE	EXPLANATION	CITATIONS TO F.A.R.; OR WRITTEN EXPLANATION WHY RULEMAKING DID NOT GO FORWARD
69A-2	Explosives	The rules in 69A-2 are all more than 40 years old. While the Florida Statutes have not changed, federal law and rules and industry standards have changed and should be reviewed to determine whether this chapter needs to be updated. References in the rules to the Interstate Commerce Commission or the ICC need to be eliminated and replaced with applicable rules of the US Department of Transportation, which took over regulation of the transportation of explosive materials beginning in 1970. Its rules are contained in Title 49, ch. 51 of the Code of Federal Regulations.	The Department intends to move forward with rulemaking.
69A-2.006	Storage; General	Subsection (5) needs to be amended to update the American Table of Distances from the 1955 revision to the "June 1991 edition which incorporates changes through October, 2011." The link to IME publications should be added.	Expect to publish Notice of Rule Development prior to 11/1/16.
69A-37.037	Firefighter Training Course Medical Examination	The Division should determine whether the 2007 edition of NFPA 1582-5.1 is the correct edition for this rule.	The Department intends to move forward with rulemaking.
69A-37.039	Prescribed Forms for Training and Certification	Add forms to implement the new Firefighter Assistance Grant Program (Rules 69A-37.501 and 69A-37.502) within the Division of State Fire Marshal, pursuant to Chapter 2016-132, Laws of Florida.	Notice of Rule Development: Vol. 42, Issue 122.
69A-37.039	Prescribed Forms for Training and Certification	This is being amended to adopt forms necessary to implement the changes being made in Rule 69A-37.065 to update the Fire Investigator Program as provided in ss. 633.406(2) and 633.432(4), F.S.	Notice of Rule Development: Vol. 42, Issue 122.
69A-37.039	Prescribed Forms for Training and Certification	Amend to include new forms referenced in 69A-37.065.	Notice of Rule Development: Issue 41/Vol. 243; Notice of Proposed Rule: Issue 42/Vol. 51.
69A-37.065	Programs of Study and Vocational Courses	Amend to add an additional program, Florida Urban Search Rescue (FLUSAR) and Hazardous Materials Program.	Notice of Rule Development: Vol. 42, Issue 122.
69A-46.017	Required Continuing Education	Forms DFS-K3-1239 [subsection 6)] and DFS-K3-1240 [(subsection (8))] need to be amended to change s. 633.537 to s. 633.332, F.S. Also, CEUs are rewarded for attending training programs and seminars, not meetings. In addition, in subsection (10), time has passed and this is no longer needed.	Notice of Rule Development: Vol. 42, Issue 54; Notice of Proposed Rule: Vol. 42, Issue 89.
69A-51.001	Scope	Subsection (3) refers to "the Authorized Shop Inspector." This phrase is not defined in law or rule. The rules need to be amended to either correct this phrase or define it in 69A-51.005.	Repeal; Notice of Proposed Rule: Vol. 42, Issue 03.
69A-51.005	Definitions	Subsection (3) in 51.001 refers to "the Authorized Shop Inspector." This phrase is not defined in law or rule. That subsection will either be amended to correct this phrase or it will be defined here.	Rulemaking not needed. Revisions to 69A-51.001 and 69A-51.075 resolved the issue.

**ATTACHMENT B – UPDATE TO**  
**DEPARTMENT OF FINANCIAL SERVICES'**  
**PROPOSED RULES FOR 2015-2016 FISCAL YEAR**

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RULE NUMBER	TITLE	EXPLANATION	CITATIONS TO F.A.R.; OR WRITTEN EXPLANATION WHY RULEMAKING DID NOT GO FORWARD
69A-51.010	Codes Adopted	Update the three books containing national codes as the State Boiler Code for the safe construction, installation, inspection, maintenance, and repair of boilers.	The Division no longer wishes to proceed with rulemaking. Subsections 69A-51.075 and .085 were added to rulemaking, instead.
69A-51.040	Disciplinary Proceedings	Every section and subsection in this rule is redundant of the statutes implemented. The rule should be repealed.	Repeal; Notice of Proposed Rule: Vol. 42, Issue 03.
69A-51.050	Inspection Requirements	Subsection (2)(e) states that Boiler Safety Program may, in its discretion, permit longer periods between certificate inspections. There is no statutory authority to do this, and the rule doesn't provide any basis for making this determination. Subsection (2)(e) should be deleted.  This rule refers to the Chief Inspector, Deputy Inspector, Special Inspector, Authorized Inspector, inspector and inspector authorized to inspect. Other suggested changes would be to insert Authorized Inspector in subsection (1) in place of Chief, Deputy or Special Inspector; do the same in subsection (5); replace inspector with Authorized Inspector in subsection (6); replace "inspector authorized to inspect boilers" with Authorized Inspector in subsection (7); insert Authorized Inspector in subsection (9) in place of Chief, Deputy or Special Inspector; and insert Authorized in front of Inspector in (19)(a)4, 8 and 10.	Notice of Rule Development: Vol. 41, Issue 211; Notice of Proposed Rule: Vol. 42, Issue 03.
69A-57.003	Standards of the National Fire Protection Association Adopted	Determine whether reference to NFPA edition should be updated and whether the standard for a "slow" evacuation capability in subsection (1)(c) conflicts with 69A-57.005(3).	Notice of Rule Development: Vol. 42, Issue 62; expect to publish Notice of Proposed Rule prior to 11/1/16.
69A-57.004	Occupancy Capacity of Each AFCH	The Adult Family Care Home Act defines "Resident" as "a person receiving room, board, and personal care in an adult family-care home." The rule diverges from the statute by basing occupancy on the number of occupants and defines occupant "as a resident of the AFCH" other than the provider's family. AHCA's rule, which is referenced in this rule, also uses the word "residents." The rule should be amended to conform to the law and the AHCA rule by using the word resident instead of occupant.  Section 429.67(7), F.S., provides that "any relative who lives in the adult family-care home and who is a disabled adult or frail elder must be included in the limitation" of the number of residents. Relative means a relative of the provider who is licensed to operate the home.	Notice of Rule Development: Vol. 42, Issue 62; expect to publish Notice of Proposed Rule prior to 11/1/16.
69A-57.005	Evacuation Capability	Subsections (3) and (4) in conjunction with 69A-57.003(1)(c) are confusing. It is not clear whether an AFCH that does not achieve an evaluation capability of prompt on the second fire exit drill no longer meets the required safety requirements even if it	Notice of Rule Development: Vol. 42, Issue 62; expect to publish Notice of Proposed Rule prior to 11/1/16.

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		complied with the subdivisions of the NFPA cited in subsection (4). The rule should be amended to clarify these provisions.	
69A-57.006	Fire Exit Drills	This rule requires that each AFCH achieve a capability of prompt evacuation without considering 69A-57.003(1)(c), which allows a "slow" capability if the AFCH complies with additional provisions of the NFPA. The rule should be amended to clarify evacuation capability requirements. Also, Form DFS-K3-1437 has a later revision date of 8/07.	Notice of Rule Development: Vol. 42, Issue 62; expect to publish Notice of Proposed Rule prior to 11/1/16.
69A-62.0001	Definitions	The definition of "Act" is limited to ss. 633.502-633.508, F.S., although Part V of ch. 633, F.S., continues on to 633.536, F.S. The definition of "fire department" does not include special-district fire service providers.	Expect to publish Notice of Rule Development prior to 11/1/16.
69A-62.021	Minimum Requirements for a Firefighter Employer Comprehensive Safety and Health Program	The web link in (3)(d) does not work. Form DFS-K4-1569 adopted in (7)(b) contains an old effective date.	Expect to publish Notice of Rule Development prior to 11/1/16.
69A-62.030	Definitions	Determine why the definitions of fatality, hazard, and illness in this rule differ from the definitions of the same words in 62.040.	Expect to publish Notice of Rule Development prior to 11/1/16.
69B-124.001	Definitions	Section 626.9551, F.S., was amended in 1999 to expand all of its requirements to any loan or extension of credit, not just mortgage transactions. The definitions of lender and borrower should be amended so that they are not limited to mortgages.	The Department intends to move forward with rulemaking.
69B-124.002	Rights of Borrower	Review this rule to determine whether it should be repealed for lacking authority and extending the statute implemented.	Due to reorganization, Division is again reviewing as to whether to proceed with rulemaking.
69B-124.010	Substitution of Policies	The DFS authority is to adopt rules to identify specific methods of competition or acts or practices which are prohibited. This rule creates a right for consumers to change insurance policies. The words "at each anniversary" should be deleted from subsection (2). The lender may not charge a fee for changing, replacing, etc., the policy at any time. However, an exception was added to the law in 1999 in s. 626.9551(1)(c), F.S., that is not reflected in this subsection. Section 626.9551(1)(b), F.S., provides that a person may not unreasonably disapprove the insurance policy provided by a borrower. The rule could be rewritten to prohibit a lender from unreasonably disapproving the extension of the existing insurance policy in force or the substitution to, replacement of, or changes to the existing insurance policy in force. "Unreasonable" is essentially defined in the statute. Subsection (2) should be amended in accordance with the issues identified.	The Department intends to move forward with rulemaking.
69B-124.011	Renewals; Selection and Approval	This rule is not necessary. Repeal this rule and simply add "renewal" into the list of actions included in 69B-124.010.	The Department intends to move forward with rulemaking.

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69B-124.013	Statement of Anti-Coercion; Form	This rule is not necessary. Repeal this rule and simply add "renewal" into the list of actions included in 69B-124.010. In addition, if a form is to be adopted, this rule should be updated to reflect the additional provisions added to the law in 1999.	Due to reorganization, Division is again reviewing as to whether to proceed with rulemaking.
69B-124.014	Continuous or Prepaid Policies	This rule is limited to restricting the right of a mortgagor in the choice of insurer. The rule should be amended to say: "No lender may require a borrower to provide a continuous renewal insurance policy or three-year or more prepayment plan of insurance with a loan or extension of credit."	The Department intends to move forward with rulemaking.
69B-124.015	Lender, Insurance Information	Subsection (1) is redundant to s. 626.9551(1)(d), F.S., as it existed when the rule was adopted in 1964. The law was amended in 1999. It no longer refers to disclosure that is detrimental to the borrower or is to the advantage of the lender. It applies to disclosure of any insurance information. The amendment also specifically addresses subsection (2) so (2) is redundant of the statute. This rule should be repealed. It does not reflect current law, and the issues are fully set forth in current law.	The Department intends to move forward with rulemaking.
69B-124.016	Title Insurance	The statutes cited do not contain any reference to title insurance. In fact, the amendments in 1999 adopted subsection (3) that lists sales of certain insurance products that are not subject to s. 626.9551, F.S. Title insurance sales are not included. If it is inappropriate for title insurance sales to be subject to the rule and law, the DFS should seek to amend to law to so state.	Due to reorganization, Division is again reviewing as to whether to proceed with rulemaking.
69B-124.021	Purpose	This rule was based on Chapter 240, F.S. This chapter was repealed in 2002; repeal rule.	Repeal; Notice of Proposed Rule: Vol. 42, Issue 100.
69B-124.022	Scope	This rule was based on Chapter 240, F.S. This chapter was repealed in 2002; repeal rule.	Repeal; Notice of Proposed Rule: Vol. 42, Issue 100.
69B-124.023	Qualification for Student Loan Not Contingent on Purchase of Insurance From Insurance Company	This rule was based on Chapter 240, F.S. This chapter was repealed in 2002; repeal rule.	Repeal; Notice of Proposed Rule: Vol. 42, Issue 100.
69B-124.024	Disclosure Form	This rule was based on Chapter 240, F.S. This chapter was repealed in 2002; repeal rule.	Repeal; Notice of Proposed Rule: Vol. 42, Issue 100.
69B-124.025	Readability of Statement	This rule was based on Chapter 240, F.S. This chapter was repealed in 2002; repeal rule.	Repeal; Notice of Proposed Rule: Vol. 42, Issue 100.
69B-151.107	Effective Date	The rule is obsolete.	Notice of Rule Development: Vol. 40, Issue 225; Notice of Proposed Rule: Vol. 41, Issue 179. NOTE: Though not on our list, Rules 69B-151.009, .012, .105, and .106 were repealed in Vol. 41, Issue 179.

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69B-151.201	Purpose and Scope	The history notes contain unnecessary references to Laws of Florida.	The Department intends to move forward with rulemaking.
69B-151.202	Requirements	Subsection (1) is obsolete and redundant to the statutes. Subsections (3), (4), and (5) apply only to insurers. Delete subsections (1), (3), (4), and (5).	The Department intends to move forward with rulemaking.
69B-151.203	Adoption of Form OIR-D0-1180	The OIR bureau listed for obtaining the form does not exist anymore. Replace bureau name and address with web link: <a href="http://www.flair.com/siteDocuments/OIR-D0-1180.pdf">www.flair.com/siteDocuments/OIR-D0-1180.pdf</a> to obtain the form.	The Department intends to move forward with rulemaking.
69B-153.001	Definitions	This rule chapter deals with the submission of false claims to insurers and HMOs. The subject of the rule chapter is in the jurisdiction of OIR.	The Division no longer wishes to proceed with rulemaking. OIR has the same rules in its Chapter 69O-153, F.A.C.
69B-153.002	Deceptive Acts or Practices	This rule chapter deals with the submission of false claims to insurers and HMOs. The subject of the rule chapter is in the jurisdiction of OIR.	The Division no longer wishes to proceed with rulemaking. OIR has the same rules in its Chapter 69O-153, F.A.C.
69B-153.003	Example of a False Claim	This rule chapter deals with the submission of false claims to insurers and HMOs. The subject of the rule chapter is in the jurisdiction of OIR.	The Division no longer wishes to proceed with rulemaking. OIR has the same rules in its Chapter 69O-153, F.A.C.
69B-156.013	Permitted Compensation Arrangements	Repeal this rule. The rules in this chapter were adopted originally by the Department of Insurance. Both OIR and DFS then adopted the rules. OIR has authority to adopt this rule. DFS does not.	The Department intends to move forward with rulemaking.
69B-156.014	Required Disclosure Provisions	Repeal this rule. OIR has authority to adopt this rule. DFS does not. This rule only applies to issuers of Medicare supplement coverage.	The Department intends to move forward with rulemaking.
69B-156.015	Requirements for Application Forms and Replacement Coverage	Repeal this rule. OIR has authority to adopt this rule. DFS does not. This rule only applies to issuers of Medicare supplement coverage.	Due to reorganization, the Division is again reviewing as to whether to proceed with rulemaking.
69B-156.050	Separability	Repeal or change to severability if "any rule in this chapter" is held invalid rather than "any provision of this regulation." Also change "remainder of the regulation" to "remainder of the chapter."	Due to reorganization, the Division is again reviewing as to whether to proceed with rulemaking.
69B-156.101	Purpose	These rules were adopted by the Department of Insurance in 1979. They have not been amended by DFS since the regulation of insurance companies and insurance agents was split between DFS and OIR in 2003. Section 626.016(3), F.S., provides that DFS has jurisdiction to enforce provisions of the Unfair Insurance Trade Practices Act with respect to persons who engage in actions for which a license issued by the DFS is legally required. OIR of course has jurisdiction to enforce the act with respect to insurance companies. OIR adopted identical rules in Rule Chapter 69O-156. The rule chapter should be amended so that it applies to "insurance representatives" and	Due to reorganization, the Division is again reviewing as to whether to proceed with rulemaking.

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		not to insurers. Rules that apply strictly to insurers should be repealed. These rules will still exist as OIR rules.	
69B-156.102	Applicability	It should be amended to say that these rules apply to advertisements disseminated by insurance representatives. Language regarding dissemination by insurers should be deleted.	The Department intends to move forward with rulemaking.
69B-156.103	Definitions	"Insurance representatives" should be defined in 69B-156.103, and it would replace use of the phrase "agent, broker, producer, solicitor" throughout the chapter. Insurance representatives include insurance agencies, MGAs, customer representatives, and service representatives, but not solicitors since that license has been repealed. Rules 69B-156.103(2) (a), (b), (c), and (e) should be deleted because they apply to insurers only.	Due to reorganization, the Division is again reviewing as to whether to proceed with rulemaking.
69B-156.105	Unfair or Deceptive Acts or Practices Defined	Terms should be reviewed and updated.	Due to reorganization, the Division is again reviewing as to whether to proceed with rulemaking.
69B-156.107	Form and Content of Advertisements	Subsection (3) applies only to insurers and should be deleted. In subsections (4), (5), (6), and (9), "insurer, agent, broker, producer, solicitor" should be replaced by "insurance representative."	Due to reorganization, the Division is again reviewing as to whether to proceed with rulemaking.
69B-156.108	Advertisements of Benefits Payable, Losses Covered or Premiums Payable	Delete subsection (1)(e) since it only applies to insurers.	Due to reorganization, the Division is again reviewing as to whether to proceed with rulemaking.
69B-156.110	Testimonials or Endorsement by Third Parties	If this rule is applicable to agents, it needs to be rewritten to apply to insurance representatives.	Due to reorganization, the Division is again reviewing as to whether to proceed with rulemaking.
69B-156.114	Jurisdictional Licensing and Status of Insurer	Delete subsection (1) that applies only to insurers. Delete "an insurer" in subsection (3) and insert "insurance representative."	Due to reorganization, the Division is again reviewing as to whether to proceed with rulemaking.
69B-156.115	Identity of Insurer	Delete subsections (1) and (12) that apply only to insurers. Amend subsection (13) to replace "agents, producers, brokers or solicitors" with "insurance representatives."	The Department intends to move forward with rulemaking.
69B-156.117	Introductory, Initial, or Special Offers	Subsections (2) and (3) apply only to insurers and should be deleted.	The Department intends to move forward with rulemaking.
69B-156.123	Prior Rules	Obsolete - repeal.	Due to reorganization, the Division is again reviewing as to whether to proceed with rulemaking.
69B-157.023	Reporting	Repeal this rule, as it only applies to insurance companies. OIR has rulemaking authority under s. 627.9407(1), F.S., for implementing Part XVIII of ch. 627, F.S.	The Department intends to move forward with rulemaking.
69B-157.101	Purpose	Determine whether the stated purposes are within the jurisdiction of the department. Delete provisions in the rule that are not within the department's jurisdiction.	The Department intends to move forward with rulemaking.
69B-157.102	Applicability and Scope	Delete subsection (4) - it's obsolete.	The Department intends to move forward with rulemaking.



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69B-157.103	Definitions	Except for subsection (11), nursing home, none of the other definitions in this rule are used in any of the rules in this chapter. Ten rules that previously were included in this chapter have been repealed. In addition, the rule says that these definitions apply to long-term care insurance policies. The department does not have jurisdiction to define terms for insurance policies. The definition of nursing home is not needed. Repeal the entire rule.	The Department intends to move forward with rulemaking.
69B-157.110	Requirements for Application Forms and Replacement Coverage	Delete subsections (3) and (4) as they contain requirements that are only applicable to insurers.	The Department intends to move forward with rulemaking.
69B-157.116	Suitability	Subsections (2), (4), (7) and (8) contain requirements that are only applicable to insurers. The "Notice to Applicant Regarding Replacement" [subsection (6)] is not specifically identified or adopted by reference by this rule or the identical OIR rule. Delete subsections (2), (4), (7) and (8). The rule needs to be amended to adopt a specific form by reference.	The Department intends to move forward with rulemaking.
69B-157.121	Requirement to Deliver Shopper's Guide	The shopper's guide is not specifically identified or adopted by reference by this rule or the identical OIR rule. The rule needs to be amended to adopt a specific form by reference.	The Department intends to move forward with rulemaking.
69B-196.023	Insurance Agent Penalties	Repeal this rule or consideration should be given to adopting a rule in this chapter to cross-reference 69C-196.010, .020, and .021.	Expect to publish notice prior to 11/1/16.
69B-211.002	General Procedures	<p>Many of the forms listed in subsections (3) to (35) have been revised since the dates listed in the rule. A couple of provisions are obsolete. A number of the forms were not available for review on the internet or intranet.</p> <p>Subsection (2)(b) appears to be obsolete since the rules it refers to have been repealed.</p> <p>Subsection (20) needs to be completely revised to provide current fingerprinting procedures.</p> <p>Subsection (25) needs to be amended because the primary agent designation was repealed from law in 2005. It should read: Adjusting firms filing information regarding primary adjuster designations for adjusting firms shall complete and submit Form 63/64, "Designation of Primary Adjuster for Adjusting Firm," rev. 09/07.</p> <p>Subsections (32) and (33) need to be deleted because the administrative agent designation was repealed in 2003.</p>	The Department intends to move forward with rulemaking.

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69B-211.007	Effective Date of Termination of Appointment	Subsection (1) cites incorrect subsections of the statute. Referring to the statute is unnecessary anyway. Some of the language is redundant of the statute. Subsection (2) has similar problems.	The Department intends to move forward with rulemaking.
69B-211.022	Character and Credit Reports Required	Discuss with Division whether to repeal this rule.	The Department intends to move forward with rulemaking.
69B-211.040	Purpose and Scope	Subsection (2) refers to licensure as an "agent, adjuster, sales representative, or other licensure under the Florida Insurance Code." The "other" license categories should be listed as they are in other parts of the rule chapter: customer representative, service representative, managing general agent, and reinsurance intermediary.	The Department intends to move forward with rulemaking.
69B-211.041	Definitions	Potential changes by the Division of Insurance Agent and Agency Services.	The Department intends to move forward with rulemaking.
69B-211.042	Effect of Law Enforcement Records on Applications for Licensure	Potential changes by the Division of Insurance Agent and Agency Services.	The Department intends to move forward with rulemaking.
69B-213.060	Appointment of Customer Representative and Designation of Supervising Agent	<p>Subsections (1) and (2) should be deleted. Subsection (1) of the rule is redundant to the cited statute. Subsection (2) of the rule is redundant to s. 626.112(1)(a), F.S. Section 626.7353, F.S., provides that "the department shall prescribe by rule forms to administer" the requirement that customer representatives be appointed by an agent or agency. This rule addresses the appointment process but does not adopt a form. Form DFS-H2-501 states that "the Department of Financial Services online appointment process, eAppoint, must be used for effectuating new appointments and may be accessed on the Department's website at <a href="http://www.fldfs.com/">http://www.fldfs.com/</a>. This form is only to be used at the instruction of the department. If you have not already obtained approval to submit this form, please call us at (850) 413-3137. All forms submitted without prior approval will be returned." The weblink in Form 509 leads only to the DFS homepage, not to eAppoint. Subsection (3) should be amended to provide additional information on the appointment process, including a reference to Form DFS-H2-501 and to eAppoint.</p> <p>"Once approval has been granted you will need to forward this completed form along with any required fees to the department." Technical issue: Subsection (4) states that the form for designation of the supervising agent can be obtained from a MyFloridaCFO link but the address is not a weblink and if typed into a browser, it does not work. At the end of this subsection, a weblink is just hanging out with no</p>	The Department intends to move forward with rulemaking.

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		indication of why it is there. However, clicking on this link does connect a user to the form. Subsection (4) should be amended to move the working weblink to replace the reference to MyFloridaCFO. Subsection (4)(b) is redundant to the definition of designated supervising agent in 69B-213.020. It should be deleted. The entire rule would be renumbered appropriately.	
69B-213.070	Termination of Appointment or Supervision	Review whether subsection (4)(a) should be amended to refer to termination filing Form DFS-H2-39 or through eAppoint . Since 69B-213.060 requires agencies to designate the supervisory agent by filing a form with the Bureau, it would seem that subsection (5) should be amended to require the termination notice to be filed with the Bureau as well. Then all instances in which the subsection refers to "filed" or "filing" will make sense. In (5)(b)1., "agency's primary agent" should be changed to "agent in charge of the agency" since agencies do not have primary agents anymore.	The Department intends to move forward with rulemaking.
69B-213.090	Duties of Appointing Agency	Amend these subsections in the same manner as recommended for 69B-213.060 and 69B-213.070.	The Division no longer wishes to proceed with rulemaking.
69B-220.001	Licensure of Emergency Adjusters	Due to changes in adjuster laws in 2012, there are some technical changes that need to be made.  In subsection (3)(a), strike "company employee adjuster or independent" and insert "all-lines." Also strike ", and whether limited licensure or unlimited licensure."  In subsection (5)(a), which states that emergency adjusters have to be provided with "proof of authority to represent the insurer," delete "insurer" at the end of the very lengthy second sentence and insert "appointing entity or person."  Subsection (6)(b) should be deleted because there is only one licensure type and class - all-lines.  Delete s. 626.858, F.S., from law implemented. It was repealed.	The Department intends to move forward with rulemaking.
69B-221.001	License Required	This rule does not implement s. 648.35, F.S., as it indicates.	Technical change letter; no rulemaking required.
69B-221.006	Immigration Bonds Exclusion	Determine relevance of ss. 648.27, 648.279, 648.30 or 648.45, F.S., as listed in law implemented, to this rule.	Technical change letter; no rulemaking required.
69B-221.055	Permanent Office Records Required	This rule does not implement s. 648.25, F.S.; it contains definitions.	Technical change letter; no rulemaking required.
69B-221.070	Build-up Funds; Reporting	The rule requires each insurer to submit a report on build-up trust accounts to the department. However, the law implemented requires each MGA to also submit a	The Department intends to move forward with rulemaking.

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69B-221.085	Rate Filing; Approval; Proof	<p>report. The rule should be amended to add MGAs. Also, a comma should be added after "each bail bond agent or agency" in the fourth sentence.</p> <p>The rule doesn't specify that the rates it is referring to are rates charged by professional bail bond agents. The form that is adopted is the form for filing of rates by professional bail bond agents. The rule also includes a sentence applicable to all bail bond agents stating that they must charge the rate approved by the OIR. The form number has been changed to DFS-H2-503 and was last revised in 10/07. Amend the title of the rule to: Rate Filings by Professional Bail Bond Agents. Amend the rule to specify in the first sentence that the rates referred to are professional bail bond agent rates. Amend the rule to delete the last sentence relating to charging approved rates and not advertising reduced rates. Charging premium based on approved rates is covered in 69B-221.105 and not advertising reduced rates is prohibited by s. 648.44(6)(c), F.S. Amend the rule to change the form number and revision date.</p>	The Division no longer wishes to proceed with rulemaking.
69B-221.125	Collateral Security; Affidavit; Form	The rule does not implement s. 648.44(1)(m), F.S., or s. 648.45, F.S. Amend the rule to delete these two statutes from the law implemented.	Technical change letter; no rulemaking required.
69B-221.130	Collateral Security; Statement; Form	The rule requires the statement to be filed with the bail bond. Section 903.14(1), F.S., provides that the statement must be filed within 30 days of the undertaking. The rule does not implement s. 648.44(1)(m), F.S., or s. 648.45, F.S. Amend the rule to comply with the statute. Amend the rule to delete these two statutes from the law implemented.	The Division no longer wishes to proceed with rulemaking.
69B-221.140	Indemnity Agreement; Form	Repeal this rule, as it is redundant of s. 648.442(10), F.S.	The Department intends to move forward with rulemaking.
69B-221.150	Department May Request Information	Repeal this rule. Sections 624.318(1), 648.36, and 648.295 all provide that the licensee's records shall be available to the DFS. The rule says that the DFS may request a licensee to furnish information. The law is clear that a licensee must make all records available to the DFS for examination, reproduction, etc. The rule serves no purpose.	The Division no longer wishes to proceed with rulemaking.
69B-227.180	Course Offering and Attendance Records	Change number of days within which to submit application from fifteen to five.	Notice of Rule Development: Vol. 41, Issue 199; Notice of Proposed Rule: Vol. 41, Issue 244. NOTE: Though not on our list, 69B-227.130, .140, .160, .170, and .190 were amended at the same time.
69B-227.260	Study Aids	Remove "Limited Customer Representative" from (1)(a).	Notice of Rule Development: Vol. 41, Issue 199; Notice of Proposed Rule: Vol. 41, Issue 244.

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RULE NUMBER	TITLE	EXPLANATION	CITATIONS TO F.A.R.; OR WRITTEN EXPLANATION WHY RULEMAKING DID NOT GO FORWARD
69B-227.320	Curriculum Standards for Special Designation	Add s. 626.7351, F.S., to Rulemaking Authority pursuant to Chapter 2015-180, Laws of Florida, s. 8.	The Division no longer wishes to move forward with rulemaking.
69B-227.350	Duration of Suspension or Revocation, and Effect of Suspension or Revocation Upon Associated Authorizations	This is a new rule to address the duration of suspension or revocation, as well as the effect of suspension or revocation, upon associated authorizations in the pre-licensing rules (Rule Chapter 69B-227, F.A.C.).	Notice of Rule Development: Vol. 41, Issue 199; Notice of Proposed Rule: Vol. 41, Issue 244.
69B-228.010	Purpose	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.020	Scope	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.030	Definitions	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.040	Course Providers	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.050	School Officials	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.060	Instructors and Supervising Instructors	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.080	Course Approval; Requirements; Guidelines	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.090	Course Offerings and Attendance Records	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.100	Certification of Students	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.110	Textbooks	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.120	Course Fees	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.130	Facilities	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.150	Advertising	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.160	Prohibited Practices	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.

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RULE NUMBER	TITLE	EXPLANATION	CITATIONS TO F.A.R.; OR WRITTEN EXPLANATION WHY RULEMAKING DID NOT GO FORWARD
69B-228.180	Forms	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.190	Transition Time in the Event of Rule Changes	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.210	Penalties for Course Providers, School Officials, Supervising Instructors, Instructors, and Monitors	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.220	Licensee Compliance; Requirements; Penalties for Non-Compliance	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.230	Extensions	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.240	Applicability of Continuing Education Requirement for New Licensees	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.250	Exempted Licensees	The Division is amending its continuing education rules to simplify and clarify.	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.260	Timeline for Submissions	The Division is amending its continuing education rules to simplify and clarify. (new)	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-228.270	Course Audits	The Division is amending its continuing education rules to simplify and clarify. (new)	Notice of Rule Development: Vol. 41, Issue 183; Notice of Proposed Rule: Vol. 42, Issue 152.
69B-231.030	Definitions	The definition of Crimes Involving Moral Turpitude in subsection (5) cross-references Rule 69B-211.042(23) and (24). 69B-211.042 has been amended to delete the list of crimes identified as involving moral turpitude. Delete this subsection.	The Department intends to move forward with rulemaking.
69B-231.080	Penalties for Violation of Section 626.611, F.S.	The provisions of s. 626.611, F.S., were renumbered in 2014, but the rule that imposes penalties for violating those sections has not been updated. Do a technical change to this rule to update to correspond to the new statute subsections.	Technical change letter delivered to Secretary of State and JAPC on 9/28/15.
69B-250	Mediators	The Division of Insurance Agent and Agency Services is creating new rules to provide for qualifications, denial of application, suspension, revocation of approval, and other penalties for mediators (mandated by Chapters 2014-86 and 2014-123, Laws of Florida). These rules are SEPARATE FROM the rules of the Division of Consumer Services.	Expect to publish Notice of Rule Development prior to 11/1/16.
69B-251	Neutral Evaluators	The Division of Insurance Agent and Agency Services is creating rules to provide for procedure for certifying, denying, suspending or revoking certification of neutral	Notice of Rule Development: Vol. 42, Issue 167.

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		evaluators (mandated by Chapters 2014-86 and 2014-123, Laws of Florida). These rules are SEPARATE FROM the rules of the Division of Consumer Services.	
69C-1.003	Definitions	The arrangement of the contents of the Account Analysis in subsection (7) is confusing. It would seem appropriate for the Division to create a form for this report. Also, I think it must include the account balance and the portion of the account balance that will be deposited in the State Treasury.	Expect to publish Notice of Rule Development prior to 11/1/16.
69C-1.004	Approval of Clearing Accounts	Determine whether subsection (2) conflicts with s. 17.58(1), F.S., which is the law implemented, and needs to be deleted.	Expect to publish Notice of Rule Development prior to 11/1/16.
69C-1.005	Administration of Clearing Accounts	This rule hasn't been amended in 25 years. Review the rule.	Expect to publish Notice of Rule Development prior to 11/1/16.
69C-2.004	Definitions	Confirm all applicable definitions are current, listed, and consistent with information on the DFS website. The form numbers in subsections (1), (3), (5), (6), (9), (10), (13), (14), (16), (17), (18), (21), (23) and (25) need to be changed from the DI4 format to the DFS-J1 format. The revision date for 1004 in subsection (1) should either be deleted or changed to 09/03. Capitalize "instruction" in subsection (10). The title for form 1001, referred to in subsection (18) has been changed to "Collateral Control Agreement Public Deposits Program."	The Department intends to move forward with rulemaking.
69C-2.005	Qualifications for Participation by Banks and Savings Associations	Make technical changes to correct format of form numbers. Change the title of form 1001 to "Collateral Control Agreement Public Deposits Program."	The Department intends to move forward with rulemaking.
69C-2.006	Administration of Collateral Requirements	Make technical changes to correct format of form numbers. Change the title of form 1001 to "Collateral Control Agreement Public Deposits Program." See (3)(a). Also, in subsection (6), the form numbers have been reversed: 1010 is the certification form number and 1011 is the income payment form number.	The Department intends to move forward with rulemaking.
69C-2.007	Eligible Collateral Criteria and Restrictions	Information on the department website should be included in this rule since it contains other eligibility requirements for the use of CD as collateral.	The Department intends to move forward with rulemaking.
69C-2.009	Forms	The list of forms needs to be updated, and the form numbers need to be changed.	The Department intends to move forward with rulemaking.
69C-2.0095	Electronic Data Transmission of Information, Reports, and Forms	Section 280.05(19), F.S., in the Law Implemented is incorrect. It should be 280.05(16).	The Department intends to move forward with rulemaking.
69C-2.010	Additional Reports and Inspections	Due to an amendment to ss. 280.04(2) and 280.05(16), F.S., in 2014, it appears that references to "capital accounts" should be changed to "tangible equity capital." Consult with the Division to verify that subsections (1) and (2) of the rule should be amended.	The Department intends to move forward with rulemaking.

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RULE NUMBER	TITLE	EXPLANATION	CITATIONS TO F.A.R.; OR WRITTEN EXPLANATION WHY RULEMAKING DID NOT GO FORWARD
69C-2.022	Requirements of Public Depositors	Correct format of form numbers. See subsections (2) and (3). Change revision date for form 1009 to 09/03.	The Department intends to move forward with rulemaking.
69C-2.024	Criteria and Guidelines to be Used by the Chief Financial Officer in Administering and Protecting the Integrity of the Public Deposits Program	Due to amendments to s. 280.04, F.S., in 2014, it appears that the percentage levels for determining collateral requirements in this rule need to be amended. Consult with the Division to determine whether the percentage levels need to be amended and whether the rule should refer to percent of "average daily balance of public deposits." Consult with the Division to determine whether Banks and Savings Associations Advisory Committees still exist. If not, this language needs to be amended in subsection (3).	The Department intends to move forward with rulemaking.
69C-2.026	Administration of Payment of Losses	Correct the format of the form numbers. See subsections (1) and (4).	The Department intends to move forward with rulemaking.
69C-2.028	Ownership of Collateral by an Operating Subsidiary of the Qualified Public Depository	Change the title of form 1001 to "Collateral Control Agreement Public Deposits Program." See subsections (2) and (4). Correct format of form numbers.	The Department intends to move forward with rulemaking.
69C-2.029	Authorized Agent	Change the title of form 1001 to "Collateral Control Agreement Public Deposits Program." See subsection (3). Correct the format of the form number.	The Department intends to move forward with rulemaking.
69C-2.030	Use of Agents by Custodians of Collateral	Correct the cross-reference in subsection (1) to 280.02(10), F.S. Correct the format of the form number in subsection (2).	The Department intends to move forward with rulemaking.
69C-2.031	Format for Confirmations from Custodians	Change the title of form 1001 to "Collateral Control Agreement Public Deposits Program." See subsection (9). Correct the format of the form number.	The Department intends to move forward with rulemaking.
69C-2.032	Execution of Forms, Proof of Authorization	Change the title of form 1001 to "Collateral Control Agreement Public Deposits Program." See paragraph (1)(b). Correct the format of the form numbers. Update revision dates of forms.	The Department intends to move forward with rulemaking.
69C-3.004	Transfer of Funds from an Eligible Fund to an Investment Account	The Division of Treasury would like to update the verbiage for this rule because the language is outdated and needs to be revised.	Notice of Rule Development: Vol. 41, Issue 136; Notice of Proposed Rule: Vol. 41, Issue 178; rule tolled as of 11/13/15.
69C-3.006	Transfer of Funds from the Investment Account to an Eligible Fund	The Division of Treasury would like to update the verbiage for this rule because the language is outdated and needs to be revised.	Notice of Rule Development: Vol. 41, Issue 136; Notice of Proposed Rule: Vol. 41, Issue 178; rule tolled as of 11/13/15.
69D-3.001	Definitions	The DFS established the Automobile Insurance Fraud Task Force pursuant to Chapter 2012-197, L.O.F., to support the prosecution, investigation, and prevention of motor vehicle insurance fraud. The direct-support organization (DSO) has engaged in limited organizational activity during its existence, and the statute authorizing the DSO was repealed in Chapter 2015-179, L.O.F. Accordingly, this rule needs to be repealed.	Repeal; Notice of Proposed Rule: Vol. 42, Issue 139.



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RULE NUMBER	TITLE	EXPLANATION	CITATIONS TO F.A.R.; OR WRITTEN EXPLANATION WHY RULEMAKING DID NOT GO FORWARD
69D-3.002	Governance of Organization	The DFS established the Automobile Insurance Fraud Task Force pursuant to Chapter 2012-197, L.O.F., to support the prosecution, investigation, and prevention of motor vehicle insurance fraud. The direct-support organization (DSO) has engaged in limited organizational activity during its existence, and the statute authorizing the DSO was repealed in Chapter 2015-179, L.O.F. Accordingly, this rule needs to be repealed.	Repeal; Notice of Proposed Rule: Vol. 42, Issue 139.
69D-3.003	Use of Division Property or Facilities	The DFS established the Automobile Insurance Fraud Task Force pursuant to Chapter 2012-197, L.O.F., to support the prosecution, investigation, and prevention of motor vehicle insurance fraud. The direct-support organization (DSO) has engaged in limited organizational activity during its existence, and the statute authorizing the DSO was repealed in Chapter 2015-179, L.O.F. Accordingly, this rule needs to be repealed.	Repeal; Notice of Proposed Rule: Vol. 42, Issue 139.
69H-2.004	Certificate of Coverage	Amend rule to adopt a form.	The Department intends to move forward with rulemaking.
69H-2.007	Loss Prevention Programs	Amend rule to adopt a form.	The Department intends to move forward with rulemaking.
69I-10.082	Forgeries	Amend rule to adopt revised Form DFS-A1-409, which was revised effective 01/14.	The Department intends to move forward with rulemaking.
69I-20.030 (Transferred to 69G-20)	Definitions	The effective date is not printed on Form DFS-UP-150, and there are changes and additions to definitions.	Notice of Rule Development: Vol. 41, Issue 178; Notice of Proposed Rule: Vol. 41, Issue 236.
69I-20.034 (Transferred to 69G-20)	Report of Unclaimed Property	Under Rulemaking Authority, (2)(g) should be deleted. Paragraph (g) is in subsection (1). In law implemented, s. 717.134, F.S., should be deleted because the rule does not implement penalties for reporting violations. Also, unclaimed property was previously called abandoned property. The title to this rule and subsections (1), (4), including the names of the forms adopted, and (6) should be amended to replace "abandoned" with "unclaimed."	Notice of Rule Development: Vol. 41, Issue 178; Notice of Proposed Rule: Vol. 41, Issue 236.
69I-20.038 (Transferred to 69G-20)	Late Annual Report(s), Late Payment(s), and Late Delivery of Abandoned Property	Retitle and amend applicable provisions.	Notice of Rule Development: Vol. 41, Issue 178; Notice of Proposed Rule: Vol. 41, Issue 236.
69I-20.040 (Transferred to 69G-20)	Written Notice	Update and clarify requirements for reporting and remitting unclaimed property and to provide for electronic claims submission.	Notice of Rule Development: Vol. 41, Issue 178; Notice of Proposed Rule: Vol. 41, Issue 236.

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69I-20.041 (Transferred to 69G-20)	Bureau of Unclaimed Property Reporting Instructions	In addition to general authority in s. 717.138, F.S., specific authority for adopting reporting forms and electronic reporting procedures, and requiring other information not set forth in the statute, is contained in s. 717.117(1), F.S. Also, the rule provides a 5/3/10 effective date for the Unclaimed Property Reporting Instructions Manual. The manual states that it was revised on 1/1/14. Amend rule to provide latest effective date and to say that the manual can be found on the DFS website, instead of a physical street address.	Notice of Rule Development: Vol. 41, Issue 178; Notice of Proposed Rule: Vol. 41, Issue 236.
69I-44.021	Claim for Funds Paid to the Chief Financial Officer pursuant to Section 43.19, 732.107, 733.816 or 744.534, Florida Statutes	Repeal this rule, as it has been superseded by s. 717.124(8), F.S.	Repeal; Notice of Proposed Rule: Vol. 42, Issue 08.
69I-51.002	Definitions	Confirm whether identified standards are the correct edition for defining primary government and other stand-alone government. If not, revise.	The Division no longer wishes to proceed with rulemaking.
69I-51.004	Determination of Reporting Entity	Determine whether the identified edition is the correct edition for generally accepted accounting principles. If not, revise.	The Division no longer wishes to proceed with rulemaking.
69I-69.002	Statement of County Funded Court-Related Functions	Form DFS-A6-693 was revised effective 9/1/12. The rule needs to be amended to reflect the latest form revision date.	The Department intends to move forward with rulemaking.
69J-8.008	Selection of Neutral Evaluator	Amend rule, based upon comments provided by the Florida Insurance Council, to revise the period of time an insurer has to contact the policyholder.	Notice of Rule Development: Vol. 41, Issue 188; Notice of Proposed Rule: Vol. 42, Issue 02.
69J-8.009	Evaluation Process	Amend rule, based upon comments provided by the Florida Insurance Council, to revise the period of time an insurer has to contact the policyholder.	Notice of Rule Development: Vol. 41, Issue 188; Notice of Proposed Rule: Vol. 42, Issue 02.
69J-176.022	Mediation of Bodily Injury and Property Damage Claims	The request for mediation form has been renumbered as DFS-I0-510 and was revised in 08/12. The revision eliminated the space formerly used by the mediator to report the results of the mediation pursuant to 69B-176.022(8)(a). The mediator application form (DFS-H2-591) was revised in 10/02. This form does not contain the disclosure regarding the use of social security numbers. The mediator invoice form has been renumbered as DFS-I0-1121 and was revised in 09/05. Amend the rule as follows: Correct DFS-I0-510 in (2)(a), (4)(a), and (6)(c): update (8)(a) to reflect the fact that DFS-I0-510 cannot be used for the mediator's report; update the mediator application form revision date in (5)(a); correct the form number and revision date for DFS-I0-1121 in (5)(h); and the Bureau of Licensing should be advised to add the social security disclosure to Form DFS-H2-591.	Notice of Rule Development: Vol. 41, Issue 248; Notice of Proposed Rulemaking: Vol. 42, Issue 39.

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69K-1.001	List of Approved Forms; Incorporation by Reference	The list of forms needs to be updated.	Initiation of rulemaking dependent upon prior review and approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-1.003	Miscellaneous Fees; Name Changes and Duplicate Licenses	Amend the rule to reflect updated terms and references.	Initiation of rulemaking dependent upon prior review and approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-5.0021	Application for Preneed License Branch Office License	Amend (1)(a) to strike through DFS-COAB-12/00, effective 9-18-01, and insert DFS-PNLB-1, revised 8/12. Amend (1)(b) to change the fee from \$150 to \$155 as set forth on the form.	Revised rule text for Notice of Rule Development submitted for approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-5.0022	Applications for Transfer of a Preneed License	Amend (1)(a) to strike through DFS-COAT-1, effective 5-13-97, and insert DFS-PNLT-1, revised 8/12. Amend (1)(b) to change the fee from \$100 to \$105 as set forth on the form. Amend (3) to strike through "moral" in the phrase "good moral character" to conform to s. 497.453(2)(f), F.S. Amend (3)(c) so that the last 2 sentences are flush left. These sentences apply to all 3 paragraphs in the subsection.	Revised rule text for Notice of Rule Development submitted for approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-5.0024	Remittances to the Regulatory Trust Fund	Update form reference in subsection (6).	This was completed prior to submitting regulatory report. A technical letter was sent on 2/13/15.
69K-5.0026	Preneed License Renewal	Amend subsection (1) to reflect correct form numbers and dates. In (2)(a) and (b), strike through COA.	Revised rule text for Notice of Rule Development submitted for approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-5.002	Application for Preneed License	Amend (1)(a) to strike through DFS-COA-1, effective 2-7-95 and insert DFS-PNL-1, revised 8/12. Also strike through 7/01, incorporated herein by reference, effective 6-26-02 and insert revised 8/12. Amend (1)(b) to change the fee to \$505. Amend (5) to strike through "moral" in the phrase "good moral character" to conform to s. 497.453(2)(f), F.S. The word "moral" was deleted from the law in 2004. Amend (5)(c) so that the last 2 sentences are flush left. These sentences apply to all 3 paragraphs in the subsection.	Initiation of rulemaking dependent upon prior review and approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-5.009	Regulatory Standards for Evaluating Applications by the Board	The law has been changed to require a cemetery site to contain no less than 30 contiguous acres. Amend (1)(b) to change 15 acres to 30 acres. Amend (2)(a) and (c) to delete "as referenced in Rule 69K-5.002" and replace it with "Form DFS HistS."	Initiation of rulemaking dependent upon prior review and approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-5.011	Preneed Sales Agent Renewal	In (1), change "registration" to "appointment." Change s. 497.466(4), F.S., to s. 497.466(7), F.S. In (4), change "registration" to "appointment." Check with the Division regarding form information.	Revised rule text for Notice of Rule Development submitted for approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-5.012	Application and Renewal Procedures for Broker of Burial Rights License	The revision date for Form DFS-C-BBRI is incorrect. Delete the revision date and incorporation language since the form is adopted in Rule 69K-1.001. Do the same thing in (2) for Form DFS-N1-1771.	This was completed prior to submitting regulatory report. A technical letter was sent on 2/13/15.

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69K-5.013	Procedure for Report of Identification for an Exempt Cemetery	Form DFS-EC-1 has been revised. Delete the effective date and incorporation language since the form is adopted in Rule 69K-1.001.	Revised rule text for Notice of Rule Development submitted for approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-6.002	Care and Maintenance of Existing Cemetery	The rule is redundant of laws implemented.	Technical change; no rulemaking required.
69K-6.004	Safekeeping of Records	The manner of storage of computer files set forth in (2) and (3) are obsolete; amend the rule to update (2) and (3).	Initiation of rulemaking dependent upon prior review and approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-6.0051	Accounts Receivable Records	The second "sentence" in subsection (1) passes the spell check test but a verb cannot be found in this sentence. Consult with the Division to determine how to amend this provision. This provision probably needs to begin with "Accounts receivable records shall contain..."	Initiation of rulemaking dependent upon prior review and approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-6.0052	Examination Work Papers	The rulemaking authority cites sections of statutes that provide authority for the Board to adopt rules. However, DFS has authority over financial examinations and has rulemaking authority with regard to examinations. The rulemaking authority should be changed to ss. 497.103(2)(a), (c), (5)(b), 497.161(1)(f), 497.276(3), F.S.	Technical change; no rulemaking required.
69K-6.0054	Written Contracts Required	Amend rule to identify all disclosure requirements of Chapter 497 that are required to be in each form pursuant to subsection (4) of this rule.	Initiation of rulemaking dependent upon prior review and approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-7.006	Wholesale Purchase Price	Make technical amendments to language in (1). Amend title.	Technical change letter was sent to the Department of State and JAPC on 9/29/16.
69K-9.004	Consumer Brochure	The forms referred to in this rule were adopted in Rule 69K-1.001, as noted at the end of the rule. Delete the effective dates and the last sentence about incorporation. This is unnecessary language. Insert a hyperlink for each of the 2 forms so that they may be obtained online. Change "Pre-need" to "Preneed" in the title of the brochure.	The Department intends to move forward with rulemaking.
69K-11.001	Disciplinary Guidelines	Review rule and amend or repeal.	Initiation of rulemaking dependent upon prior review and approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-11.002	Minor Violations; Notice of Non-Compliance	Strike (d) from the rulemaking authority of s. 497.155(2)(d), F.S. Add (2) to the law implemented of s. 497.155, F.S.	Technical change; no rulemaking required.
69K-11.003	Citations	Subsection (2)(a) refers to "registrant." This should be deleted. Add (1) to s. 497.155, F.S., in the rulemaking authority and the law implemented.	Technical change; no rulemaking required.
69K-12.001	Installation of Monuments	Subsection (11), which states that a cemetery cannot require a monument installer to have insurance, is no longer valid. The law implemented, s. 497.278, F.S., was amended in 2010 to allow cemeteries to require any person or firm that delivers, installs, places, or sets a monument to show proof of liability insurance coverage and,	Initiation of rulemaking dependent upon prior review and approval by the Board of Funeral, Cemetery, and Consumer Services.

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RULE NUMBER	TITLE	EXPLANATION	CITATIONS TO F.A.R.; OR WRITTEN EXPLANATION WHY RULEMAKING DID NOT GO FORWARD
		if required by law, workers' compensation insurance coverage. Adopt a new rule and forms to implement s. 497.553(6), F.S., regarding changes in ownership and changes in location of monument establishments. This can be corrected by simply deleting the rule because the valid parts of it are redundant of the statute, s. 497.278(3), F.S.	
69K-12.002	Procedure for Licensing a Monument Establishment	Form DFS-C-MON1 was revised in 7/2012. The fees set forth in (1)(b) and (c) do not accurately reflect the fees set forth in the application form. In (1)(a), delete "effective 3-3-97" and insert "revised 7/2012." Also insert a hyperlink for people to obtain the form. Amend (1)(b) and (c) to conform to the fees set forth in Form DFS-C-MON1.	Initiation of rulemaking dependent upon prior review and approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-13.001	General Provisions	Based on the statement in subsection (1) that the Construction Specifications adopted herein are to be used until July 1, 2001, when the Florida Building Code will take effect, it appears that this section, as well as 13.002 and 13.003 are obsolete. Construction of Mausoleums and Columbariums are subject to the Florida Building Code, Chapter 4, s. 430.	Initiation of rulemaking dependent upon prior review and approval by Board of Funeral, Cemetery, and Consumer Services.
69K-13.002	Definitions	This rule is obsolete; repeal.	The Division no longer wishes to proceed with rulemaking.
69K-13.003	General Construction Specifications	This rule is obsolete; repeal.	Initiation of rulemaking dependent upon prior review and approval by Board of Funeral, Cemetery, and Consumer Services.
69K-15.001	Course in Mortuary Science	To reflect statutory amendments in 2010, the rule needs to be amended regarding an accredited school or college. This rule should be moved to Rule 69K-1.005, License Application Procedures, or to Rule 69K-100.035, both of which address educational requirements under ss. 497.368 and 497.370, F.S. The last part of this rule that refers to the subjects of the course is redundant of the statute.	Notice of Rule Development: Vol. 41, Issue 148; Notice of Proposed Rule: Vol. 41, Issue 208.
69K-15.002	Associate of Arts Degree in Mortuary Science	See above. This rule should be moved to Rule 69K-1.005, License Application Procedures, or to Rule 69K-100.035, both of which address educational requirements under s. 497.373, F.S.	Notice of Rule Development: Vol. 41, Issue 148; Notice of Proposed Rule: Vol. 41, Issue 208. NOTE: 69K-15.003 and .004 were also amended pursuant to these notices.
69K-16.002	Examination for Funeral Director Applicants	Subsection (2) requires applicants to pass the National Board Examination on funeral service arts and funeral service science; however, the statute provides that the DFS can require passage only of the NBE exam on funeral service arts, not funeral service science. The rule should be amended to delete funeral service science. In addition, the rule could be simplified and clarified.	The Division no longer wishes to proceed with rulemaking.
69K-16.004	Examination for Licensure by Endorsement	The rule could be simplified and clarified.	The Division no longer wishes to proceed with rulemaking.

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69K-16.006	Examination Review Procedures	The law implemented did not exist when this rule was adopted. Section 497.144, F.S., was created in 2004 and reads, in part: "Except for national examinations approved and administered pursuant to this section, procedures shall be established by rule for applicants who have taken and failed a written examination to review their examination questions, answers, papers, grades, and grading key for the questions the candidate answered incorrectly or, if not feasible, the parts of the examination failed." The rule needs to be amended to provide procedures for applicants to review examinations questions, etc., after failing an examination.	The Division no longer wishes to proceed with rulemaking.
69K-18.002	Funeral Director Intern Training Program	It is not necessary to refer to a form "which is incorporated by reference in Rule 69K-1.001"; however, there should be a hyperlink for the form to be accessed.	Rule Development notice internally routing for signatures.
69K-18.004	Intern Training Agencies	The form number in subsection (2) is incorrect. Insert a hyperlink for the form to be accessed.	Rule Development notice internally routing for signatures.
69K-21.004	Fees	Subsections (7) and (8) should be amended to include the specific forms that must be filed for a change of name.	The Division no longer wishes to proceed with rulemaking.
69K-21.008	Notification of Change in Funeral Director in Charge	There are two rules that address changes related to funeral establishments (see 69K-21.055). These rules should be combined, should include the forms that have been adopted to file changes, and should include changes in other information that are required by s. 497.380(12), F.S., that are not referenced in the current rules. Section 497.380(12), F.S., needs to be added to the rulemaking authority and the law implemented.	Initiation of rulemaking dependent upon prior review and approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-21.009	Disinterment Reporting	The rule should include the form number for the report along with a hyperlink to obtain the form.	Initiation of rulemaking dependent upon prior review and approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-22.001	Application for Licensure; Consequences of Operating Prior to Licensure	Insert the name and number of the application form and a hyperlink to obtain the form. Subsection (1) states that a license shall be issued to an applicant if the Board or its designee "certifies" that the applicant has met the licensing requirements. The statute only requires that the licensing authority "determine" that the applicant has met the licensing requirements.	Initiation of rulemaking dependent upon prior review and approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-22.004	Operating Procedures	Subsection 497.606(9)(a), F.S., provides that standards for refrigeration and storage of dead human bodies shall be established by rule. This rule chapter does not establish such standards. Subsection (2) of the rule is redundant of s. 497.606(9)(b), F.S., and should be deleted. Subsection (4) of the rule may be in conflict with 497.606(9)(g), F.S., which states that human remains shall not be placed in a cremation chamber unless the remains are in an alternative container. The rule does not address the requirement in s. 497.606(9)(j), F.S., that cinerator facilities file a	Initiation of rulemaking dependent upon prior review and approval by the Board of Funeral, Cemetery, and Consumer Services.

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		periodic report of names of persons cremated, date and county of death, etc. Amend the rule to add a new subsection (8) to reference applicable form.	
69K-23.001	Manner of Application	Amend rule for clarity.	Initiation of rulemaking dependent upon prior review and approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-23.004	Direct Disposal Establishments	The application form and fee needs to be added. The information to be contained in the application is redundant of the law. Subsection (2) needs to be amended because many additional licensure requirements were added to s. 497.604, F.S., in 2004 that have not been addressed in the rule. Form numbers need to be added to rules regarding notices of changes. Also, some forms apparently need to be adopted. Subsection (7) of s. 497.604, F.S., was created in 2004 to require each licensee to provide notice as required by rule prior to any change in location or control of the licensee or licensed person in charge of the licensee's operations.	Initiation of rulemaking dependent upon prior review and approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-24.010	Application for Licensure of Removal Services, Refrigeration Facilities, and Centralized Embalming Facilities	The law has changed substantially since this rule was last amended. It needs to include form numbers, names and hyperlink. The title should be amended to reflect changes in information.	The Department intends to move forward with rulemaking.
69K-24.020	Licensure of Removal Services	Repeal this rule, as the rule purports to require registration of removal services operated independently of funeral establishments. Removal service businesses are licensed pursuant to 24.010.	The Division no longer wishes to proceed with rulemaking.
69K-24.022	Inspection Criteria for Removal Services	Due to changes in the law implemented, one additional inspection is required and one additional inspection may be required. Also, the requirements are the same for refrigeration services. That can be added here and 69K-24.032 can be repealed. The rule referred to in subsection (2) no longer exists, and no rule on the same issue was found.	The Division no longer wishes to proceed with rulemaking.
69K-24.023	Duplicate License and Renewal Penalty Fees for Removal Services	Amend for clarity and efficiency.	The Division no longer wishes to proceed with rulemaking.
69K-24.030	Licensure of Refrigeration Services	Repeal this rule. Refrigeration services no longer register with the Board. They must be licensed pursuant to statute and 69K-24.010. Subsections (1)-(3) are obsolete. There is no statutory language to support subsection (4).	The Division no longer wishes to proceed with rulemaking.
69K-24.032	Inspection Criteria for Refrigeration Services	Repeal this rule, as this is covered by the proposed amendment to 69K-24.022.	The Division no longer wishes to proceed with rulemaking.

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69K-24.033	Duplicate License and Renewal Penalty Fees for Refrigeration Services	Repeal this rule, as this is covered by the proposed amendment to 69K-24.023.	The Division no longer wishes to proceed with rulemaking.
69K-24.040	Licensure of Centralized Embalming Facilities	Centralized embalming facilities no longer register with the Board. They must be licensed pursuant to statute and rule 69K-24.010. Subsections (1)-(3) are obsolete. There is no statutory language to support subsection (4). Amend to change "registration" to "license"; add app. link.	The Department intends to move forward with rulemaking.
69K-24.0425	Operating Procedures for Centralized Embalming Facilities	Amend as follows: Insert (1) in front of current rule. Then add (2) as follows: (2) Each centralized embalming facility must file form DFS-N1-1754, "Centralized Embalming Facility -- Monthly Report of Cases Embalmed and Bodies Handled," with the division within X days of the end of each month.	The Department intends to move forward with rulemaking.
69K-24.043	Duplicate License and Renewal Penalty Fees for Centralized Embalming Facilities	Repeal this rule, as it is covered by the proposed amendment to 69K-24.023.	The Division no longer wishes to proceed with rulemaking.
69K-25.003	License as Temporary Embalmer or Temporary Funeral Director; Manner of Requesting and Fee; Practice Limitations; Expiration	In subsection (1), strike through "registered" in 2 places and insert "licensed." Also, strike through the last sentence since the fee will be covered in new 69K-25.005. Delete subsection (2) since it will be covered in new 69K-25.005.	Initiation of rulemaking dependent upon prior review and approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-25.005	Application for Licensure by Endorsement	Create a new rule, Application for Licensure by Endorsement.	The Division no longer wishes to proceed with rulemaking.
69K-27.001	Embalmer Apprentice Program	The application forms should be included within the rule and hyperlinks inserted for access to the forms.	Initiation of rulemaking dependent upon prior review and approval by the Board of Funeral, Cemetery, and Consumer Services.
69K-30.001	Disciplinary Guidelines and Penalties for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities	The rulemaking authority and primary law being implemented is s. 497.154, F.S. The division should review the entire rule chapter to determine whether the rules comply with the legislative intent of s. 497.152, F.S., and present its findings to the board. The board should then review the entire rule chapter to determine whether the rules comply with the legislative intent.	Initiation of rulemaking dependent upon prior review and approval by the Board of Funeral, Cemetery, and Consumer Services.



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69K-31.001	Procedure Required	There is only one rule in this chapter; it is much more appropriate for the rule to be moved to the end of 69K-22.007.	The Division no longer wishes to proceed with rulemaking.
69K-32.002	Approved Courses	Section 497.367, F.S., was repealed in 2010, to eliminate the HIV course requirement. The requirement was also deleted from s. 497.378, F.S. Education requirements for HIV have been repealed. There is only one rule left in this chapter. Repeal this rule and create a new rule in chapter 69K-1.	The Division no longer wishes to proceed with rulemaking.
69L-7.601	Copying Charges for Medical Records	Repeal this rule, as it is redundant of s. 440.13(4)(b), F.S.	Due to reorganization, the Division is again reviewing as to whether to proceed with rulemaking.
69L-7.604	Permanent Impairment	The reference to s. 440.15(3)(a)2, F.S., in subsection (1) is no longer correct due to statutory amendments. The reference to "uniform disability rating schedule" in subsection (1) is incorrect. Subsection (1) should refer to the schedule adopted in subsection (2) as the uniform permanent impairment rating schedule. Amend the last sentence in (1). Confirm that rating schedule is still the edition in use.	Technical change letter; no rulemaking required.
69L-31.006	Consolidation of Petitions	Subsection (2) provides that the timetable for the DFS to render a decision on consolidated petitions is expanded to 120 days rather than the 60-day requirement contained in the statute at the time of adoption of the rule. The statute was amended in Chapter 2013-141, Laws of Florida, to provide a 120-day timetable for all petitions. Subsection (2) should be deleted or amended to provide a longer timetable for consolidated petitions.	Notice of Rule Development: Vol. 42, Issue 100.
69L-31.007	Service of Petition on Carrier and Affected Parties	This is a technical correction. Paragraph 69L-7.602(5)(q), referenced in subsection (1), was transferred to 69L-7.710(5)(q). Correct this reference.	Notice of Rule Development: Vol. 42, Issue 100.
69L-31.008	Computation of Time	Pursuant to an amendment in Chapter 2013-141, Laws of Florida, the 30-day time period referred to in subsection (1) was changed to 45 days. Amend subsection (1) to change 30 to 45 in two places. Paragraph 69L-7.602(5)(q), referenced in subsection (1), was transferred to 69L-7.710(5)(q). Correct this reference.	Notice of Rule Development: Vol. 42, Issue 100.
69L-31.009	Carrier Response Requirements	Pursuant to an amendment in Chapter 2013-141, Laws of Florida, the 10-day time period referred to in subsection (1) was changed to 30 days. Amend subsection (1) to change 10 to 30 in two places.	Notice of Rule Development: Vol. 42, Issue 100.
69L-31.012	Joint Stipulation of the Parties	Pursuant to an amendment in Chapter 2013-141, Laws of Florida, the 60-day time period for the DFS to issue a determination was changed to 120 days. Amend the rule to change this 60-day provision to 120 days.	Notice of Rule Development: Vol. 42, Issue 100.
69L-31.016	Contractual Reimbursement Agreements	DWC would like to initiate new rulemaking regarding reimbursement disputes where a contract or managed care arrangement is involved.	Notice of Rule Development: Vol. 42, Issue 100.

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69L-56.301	Electronic First Report of Injury or Illness	Rule 69L-24.0231, F.A.C., is referenced in (4)(a). This rule was repealed in 2010. It does not appear that its provisions were included in the new rules adopted in Rule Chapter 69L-24, F.A.C., in 2010. Correct hyperlink in subsection (9).	This was erroneously reported on our Regulatory Plan for 2015-2016; the correction was made prior to our report on 10/1/15.