

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), F.S., and the Agency General Counsel, do hereby certify as follows:

- a. that pursuant to s. 120.74(1)(d), F.S., 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 29TH day of September, 2017.


Chasity H. O'Steen, 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.



Chief Financial Officer

**DEPARTMENT OF FINANCIAL SERVICES' 2017 – 2018 AGENCY
REGULATORY PLAN PURSUANT TO SECTION 120.74(1), F.S.**

- 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 7/1/16– 6/30/17 that created or modified the duties or authority of the agency, and agency action required pursuant to the law enactment or amendment.

Chapter Law and Subject	Statute(s)	Duties or Authority	Rule Number	F.A.R. Citations; or Date Rule Expected to be Published
Chapter 2017-12, L.O.F.; CS/HB 221, s. 1; Transportation Network Companies (TNC)	627.748 (created); 627.748(11)(f) is DFS specific	To ensure that a TNC has complied with the requirement of background checks, the bill requires the TNC to submit an examination report prepared by an independent certified public accountant to the DFS and provides for penalties if the TNC fails to comply with insurance and driver requirements. The DFS has discretionary authority to adopt rules to direct submission of the agreed-upon procedures report; to address any noncompliance with the statutory requirements; to impose fines for noncompliance; to accept petitions for administrative hearings; to seek injunctive relief against a TNC; and to address the use and disposition of monies received.	Discretionary rulemaking authority, but if rules are created, it would be in chapter 69J.	The Division of Consumer Services will act as the primary division; the Office of the General Counsel will provide representation for litigation, if any, that occurs; the Division of Accounting and Auditing may or may not serve some role.
Chapter 2017-29, L.O.F.; HB 741, s. 2; Department of Business and Professional Regulation Fees	553.721	The Division of State Fire Marshal shall adopt rules to address the implementation and expenditure of funds allocated to fund the Florida Fire Prevention Code informal interpretations, as well as the collection and remittance of surcharges pursuant to chapter 120, F.S.	69A.60.011	Notice of Rule Development – Vol. 42, Issue 209; related rulemaking listed on Attachment B to this report.
Chapter 2017-41, L.O.F.; CS/CS/HB 229, s. 1; Health Care Practitioner Licensure	456.076	Section 456.076, F.S., regulates health professions and occupations, and paragraph (14)(b) requires that the DFS, in accordance with s. 284.385, F.S., provide a defense for claims, actions, suits, or proceedings brought against consultants who operate the impaired practitioner program, the consultant's officers or employers, or those acting at the direction of the consultant for the limited purpose of an emergency intervention, if the act or omission arises out of and is in the scope of the consultant's duties under the contract with the Department of Health. This bill expands the number of individuals that would be afforded a defense by the DFS's Division of Risk Management to include directors and agents of consultants.	No related rules.	Written Explanation Why Law May be Implemented Without Rulemaking: Representation provided by the DFS per s. 284.385, F.S., requires the covered department to be responsible for settlement of any claim for injunctive or affirmative relief under 42 U.S.C. s. 1983, or similar federal or state statutes.
Chapter 2017-69, L.O.F.; HB 7115, s. 2; Arthur G. Dozier School for Boys	265.007	The Division of Purchasing of the Department of Management Services (DMS) shall consult with DFS's Division of Funeral, Cemetery, and Consumer Services to develop terms and conditions applicable to the procurement of contractual services for the handling, transportation, preparation, and burial of the remains of victims of the 1914 dormitory fire and all other unclaimed or unidentified remains, and the installation of funeral or other appropriate markers at the burial sites.	No related rules.	Written Explanation Why Law May be Implemented Without Rulemaking: No rulemaking necessary for DMS to confer with the DFS.
Chapter 2017-106, L.O.F.; CS/CS/HB 465, s. 1;	633.415(8) (created)	This bill provides for the designation as a Lifetime Firefighter, and the Division of State Fire Marshal may adopt rules pursuant to its authority under s. 633.104(1), F.S., to provide	69A-37.039 & 69A-37.058	Related rulemaking listed on Attachment A to this report.

Firefighters		creation of and responsibilities for the designation.		
Chapter 2017-114, L.O.F.; HB 1203, s.1; Public Records/ Department of Corrections/ Health Information	945.10	This bill amends s. 945.10, F.S., to include protected health information of inmates and information related to HIV testing held by the Department of Corrections as records that are confidential and exempt from public disclosure in accordance with the federal Health Insurance Portability and Accountability Act (HIPAA). The bill aligns Florida law with the exemptions established in the HIPAA Privacy Rule by authorizing the release of protected health information and mental health, medical, and substance abuse records to the DFS's Division of Risk Management in addition to the Department of Legal Affairs and to other attorneys retained to represent the Department of Corrections in legal proceedings.	No related rules.	Written Explanation Why Law May be Implemented Without Rulemaking: No rulemaking necessary since statute provides exemption.
Chapter 2017-143, L.O.F.; CS/CS/HB 837; Insurer Insolvency	631.015; 631.021; 631.031; 631.041; 631.141; 631.152; 631.1521 (created); 631.1522 (created); 631.181; 631.191; 631.192; 631.271; 631.391 ; 631.395 ; 631.397	This bill amends Florida's Insurers Rehabilitation and Liquidation Act to include various provisions from the National Association of Insurance Commissioners' Insurer Receivership Model Act to allow for reciprocity in treatment of policyholders covered by insurers in receivership between states. The bill: - provides that notices of hearings pertaining to the insolvency of a member insurer shall be delivered to the Florida Health Maintenance Organization Consumer Assistance Plan; - provides exclusive jurisdiction to the circuit court in Leon County over all assets and property of an insurer in receivership, whether or not such assets or property are located outside of Florida; - creates deadlines for written responses from an insurer subject to an order to show cause and establishes a deadline for commencement of a hearing to determine whether cause exists for the DFS to be appointed receiver; - exempts the Office of Insurance Regulation from the automatic stay provisions; - provides that the DFS may assume or reject unexpired leases or executory contracts of an insurer and pay expenses during the pendency of a receivership under contracts, leases, and other arrangements entered by insurers before commencement of the receivership; - provides that officers, directors, and managers of a liquidated insurer are discharged of authority, except as may be delegated by the DFS; - limits certain defenses which may be raised by third parties in actions brought by or against the DFS in its capacity as receiver; - limits third parties from asserting or raising obligations, claims, and defenses which were not recorded in the records of the insurer in receivership, with certain exceptions; - allows the court more flexibility in approving procedures for the "deemed filing" of claims or claims where the DFS deems a claim filed and can distribute funds, such as a refund of unearned premium, to the claimant without the need of a formal claim; - allows the court to set a deadline for the filing of claims;	No related rules.	Written Explanation Why Law May be Implemented Without Rulemaking: Governed by state and federal statutes.

	626.351; 626.611; 626.621; 626.7315; 626.7845; 626.8305; 626.861; 626.8734; 626.9543; 626.9954; 633.516; 768.28	<ul style="list-style-type: none"> - provides that the Division of Insurance Agent and Agency Services may not issue a license until an applicant with a criminal history has paid all fines, restitution, and court costs; - provides that the Division of Insurance Agent and Agency Services is not required to issue licenses to persons who have received executive pardons or had civil rights restored; - allows an additional adjuster certification process to be used by applicants for an all-lines adjuster license; - allows insurance agents and adjusters to claim two hours of elected continuing education credit for membership in specified associations; - removes the statute of limitations for actions relating to the Holocaust Victims Assistance Program; - allows for the use of firefighters' confidential information for the purposes of certain studies; and - removes a requirement for an individual to send a written notice of claim or serve a summons on the DFS for an action against a county. 		
Chapter 2017-178, L.O.F.; CS/CS/CS/HB 1007, s. 1; Prohibited Insurance Acts	626.9891; 626.9896 (created); 641.221; 641.3915; 626.9911; 626.9924; 626.99245; 626.99275; 626.99287; 626.99289 (created); 626.99291 (created); 626.99292 (created); 627.744; 641.3915	<p>This bill creates new requirements for insurance companies relating to insurance fraud prevention and reporting. The bill requires all insurers to adopt an anti-fraud plan and to establish and maintain a designated anti-fraud unit within the company to investigate possible fraudulent insurance acts or contract with others to investigate fraudulent insurance acts. The insurer must electronically file with the DFS a detailed description of the designated anti-fraud unit or a copy of the contract with the company that investigates fraudulent insurance acts for the insurer and a copy of the anti-fraud plan. This filing must be made annually on or before December 1, 2017.</p> <p>Beginning in 2019, the bill requires every insurer, not just workers' compensation insurers, to annually submit anti-fraud statistics to the DFS by March 1 for the lines of business written by that insurer for the calendar year.</p> <p>The bill requires the DFS to create a report detailing best practices for the detection, investigation, prevention, and reporting of insurance fraud and other fraudulent insurance acts. The report must be updated at least every two years. The bill requires the DFS to collect data from each state attorney office that receives appropriations to fund prosecutor positions to prosecute insurance fraud cases. The state attorneys must provide specified data to the DFS each quarter, and the DFS is required to report to the Executive Office of the Governor, President of the Senate, and Speaker of the House of Representatives each year.</p> <p>The bill provides that a health maintenance organization authorized to exclusively market, sell, or offer to sell Medicare Advantage plans shall be actively engaged in managed care within 24 months after licensure in order to</p>	69D-2	Related rulemaking listed on Attachment A to this report.

		<p>maintain its certificate of authority. The Office of Insurance Regulation may extend the period upon written request.</p> <p>The bill makes stranger-originated life insurance (STOLI) contracts void and unenforceable and allows a life insurer to contest a policy obtained through a STOLI practice, notwithstanding that life insurance contracts cannot be contested two years after issuance.</p> <p>The bill makes void and unenforceable viatical settlement contracts subject to a loan secured by an interest in the insurance policy within five years from the issuance of the underlying insurance policy (the contestability period). The bill also revises and clarifies some of the conditions that allow viatication during the contestability period. The bill adds prohibited practices under the Viatical Settlement Act.</p> <p>The bill allows motor vehicle insurers an exemption from the requirement that they inspect each private passenger motor vehicle before issuing an insurance policy that provides coverage for physical damage.</p>		
Chapter 2017-179, L.O.F.; CS/HB 1009, s. 1; Public Records/Insurance Fraud Information/DFS	626.9891(9)	This bill creates a public records exemption for certain information submitted to the DFS by insurers to comply with insurance fraud prevention and reporting requirements. The exemption applies to records held on, before, or after the effective date of the bill.	No related rules.	Written Explanation Why Law May be Implemented Without Rulemaking: No rulemaking necessary since statute provides exemption.
Chapter 2017-185, L.O.F.; CS/CS/HB 1107, ss. 1, 2; Public Records/Workers' Compensation	440.1851 (created)	This bill creates a public records exemption for personal identifying information of an injured or deceased employee contained in reports, notices, records, or supporting documentation held by the DFS pursuant to ch. 440, F.S. It allows the DFS to disclose personal identifying information made confidential and exempt in limited circumstances.	No related rules.	No rulemaking necessary since statute provide exemption.
Chapter 2017-70, L.O.F.; SB 2500, s. 4; General Appropriations Act (GAA)	N/A	Beginning July 1, 2017, the DFS shall release 25 percent of allocated funds to each state attorney office. Prior to subsequent quarterly fund releases, each state attorney's office must submit the following caseload data to the DFS: the percentage of cases prosecuted of the total number of cases referred by the DFS; the number of cases not prosecuted and the reasons prosecution was not pursued; the staff assigned to each case; expenditures made; and the current status of each case. The DFS shall determine if case activity warrants the continued release of funds.	N/A	Written Explanation Why Law May be Implemented Without Rulemaking: This will be a function of the DFS's Division of Accounting and Auditing.
Chapter 2017-70, L.O.F.; SB 2500, s. 6; General Appropriations Act	N/A	From the funds provided in Specific Appropriations 2258 through 2488, the DFS shall submit quarterly reports to the chair of the Senate Appropriations Committee, the chair of the House of Representatives Appropriations Committee, and the Executive Office of the Governor's Office of Policy and Budget on all travel related to training, seminars, workshops, conferences, or similarly purposed travel that was completed by senior management employees and division or program directors.	N/A	Written Explanation Why Law May be Implemented Without Rulemaking: This will be a function of the DFS's Division of Accounting and Auditing.

		Each quarterly report shall include the following information: (a) employee name, (b) position title, (c) purpose of travel, (d) dates and location of travel, (e) confirmation of agency head authorization if required by SB 2502, and (f) total travel cost. The first report shall be submitted on July 14, 2017, for the period of April 1, 2017, through June 30, 2017, and quarterly thereafter.		
Chapter 2017-70, L.O.F.; SB 2500, s. 6; General Appropriations Act	N/A	From the funds in Specific Appropriation 2304, \$1,300,631 in recurring funds from the Administrative Trust Fund and \$699,369 in recurring funds from the General Revenue Fund are provided to the DFS to competitively procure technical support for the operations and maintenance of the Florida Accounting Information Resource (FLAIR) Subsystem. The funds shall be placed in reserve. The DFS may submit budget amendments to request release of the funds pursuant to the provisions of chapter 216, F.S. Budget amendments must include a detailed project plan and spending plan that identifies the specific tasks and deliverables required to be provided by the contractor.	N/A	Written Explanation Why Law May be Implemented Without Rulemaking: This is a function of the DFS's Florida Planning, Accounting, and Ledger Management program (Florida PALM).
Chapter 2017-70, L.O.F.; SB 2500, s. 6; General Appropriations Act; and Chapter 2017-71, L.O.F.; SB 2502, s. 32; Implementation of GAA	N/A	From the funds provided in Specific Appropriations 2329, 2331, and 2337, the DFS shall audit all court-related expenditures of the Clerks of Court pursuant to sections 28.241 and 28.35, F.S. The DFS shall report the audit findings to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor's Office of Policy and Budget on a quarterly basis. The DFS shall submit a report on July 28, 2017, for the period April 1, 2017, through June 30, 2017, and quarterly thereafter. From the funds and positions in Specific Appropriation 2329, 51.00 positions with associated salary rate of \$4,576,022 and \$5,908,410 in recurring funds from the Insurance Regulatory Trust Fund. The implementing act, SB 2502, contains provisions relating to the replacement of the FLAIR and Cash Management Subsystem (CMS).	N/A	Written Explanation Why Law May be Implemented Without Rulemaking: This is a function of the DFS's Division of Accounting and Auditing.
Chapter 2017-70, L.O.F.; SB 2500, s. 6; General Appropriations Act	N/A	From the funds in Specific Appropriation 2333, up to \$50,000 shall be used to contract for the independent verification of tobacco settlement receipts received by the state.	N/A	Written Explanation Why Law May be Implemented Without Rulemaking: GAA requirement.
Chapter 2017-70, L.O.F.; SB 2500, s. 6; General Appropriations Act; and Chapter 2017-71, L.O.F.; SB 2502, s. 32; Implementation of GAA	N/A	Funds in Specific Appropriation 2334 are provided to the DFS for the completion of the competitive procurement and contract award for the software and system integrator for the replacement of all four components of the FLAIR subsystem and two components of the CMS. Its implementing act, SB 2502, provides for the replacement of the FLAIR and CMS subsystems. Of these funds, \$18,073,199 shall be placed in reserve. The DFS is authorized to award a multi-year contract for the FLAIR and CMS system replacement, which must align with the scope and cost not to exceed the project as identified in Option 3 of the March 31, 2014, DFS's FLAIR study, version 031. The competitive solicitation must address all validated and approved business requirements for the replacement of all four components of the	N/A	Written Explanation Why Law May be Implemented Without Rulemaking: This is a function of the DFS's Florida PALM.

		<p>FLAIR subsystem and the two components of the CMS. The DFS is authorized to submit budget amendments to request the release of funds held in reserve pursuant to the provisions of chapter 216, F.S. The budget amendments shall include a detailed operational work plan, spending plan, and a copy of the software and system integrator contract approved by the Chief Financial Officer.</p> <p>By June 1, 2018, the DFS shall submit an initial draft of the recommendations by the Executive Steering Committee for any statutory changes needed to implement the replacement system to the chair of the Senate Appropriations Committee, the chair of the House of Representatives Appropriations Committee, and the Executive Office of the Governor's Office of Policy and Budget.</p> <p>From the funds provided in Specific Appropriation 2334, \$600,000 is provided to the DFS to competitively procure a private sector provider with experience in conducting independent verification and validation services of public sector information technology projects to provide independent verification and validation for the replacement of the FLAIR and CMS subsystems. The contract shall require that all deliverables be simultaneously provided to the DFS, the Agency for State Technology, the chair of the Senate Appropriations Committee, the chair of the House of Representatives Appropriations Committee, and the Executive Office of the Governor's Office of Policy and Budget.</p> <p>The DFS shall provide monthly project status reports to the chair of the Senate Appropriations Committee, the chair of the House of Representatives Appropriations Committee, and the Executive Office of the Governor's Office of Policy and Budget. Each report must include progress made to date for each project milestone and contracted deliverable, planned and actual completion dates, planned and actual costs incurred, and any current project issues and risks.</p>		
Chapter 2017-70, L.O.F.; SB 2500, s. 6; General Appropriations Act	N/A	<p>From the funds in Specific Appropriation 2362, \$1,000,000 in nonrecurring funds from the Insurance Regulatory Trust Fund shall be used to create a local government grant program for the purchase of protective clothing, self-contained breathing apparatuses, and other personal protective equipment for firefighters to mitigate exposure to hazardous, cancer-causing chemicals and to protect the health and safety of Florida firefighters. The State Fire Marshal shall administer the grant program and shall develop guidelines for the review and approval of grant proposals. Grants will be awarded to entities pursuant to section 633.135(1), F.S., and to local fire departments. No individual award may exceed \$100,000. In evaluating proposals for these funds, the State Fire Marshal shall consider the size and resources of the local</p>	69A-37.039, 69A-37.501 & 69A-37.502	<p>Rulemaking for the Firefighter Assistance Grant Program for volunteer and combination fire departments was mandated pursuant to Chapter 2016-132, Laws of Florida. Notice of Rule Development - Vol. 42, Issue 122; Notice of Proposed Rule - Vol. 42, Issue 227; effective 3/7/17.</p> <p>The Division of State Fire Marshal must develop the guidelines</p>

		government requesting funds and the local government's current capacity to adequately equip its firefighters.		for the nonrecurring funds for the local fire departments.
Chapter 2017-70, L.O.F.; SB 2500, s. 6; General Appropriations Act	N/A	From the funds in Specific Appropriation 2372A, \$7,140,500 in nonrecurring funds is provided for local government fire services as follows: Charlotte County Emergency Response Equipment (Senate Form 2118) - \$85,500; Charlotte County Search and Rescue Equipment (Senate Form 2117) - \$12,000; City of East Palatka - Fire Station (HB 4341) - \$1,000,000; City of LaBelle - Fire Station Renovation and Equipment (Senate Forms 1659 - 1661) - \$843,000; City of Miramar Fire Station 107 (HB 2419) - \$750,000; City of Plantation Fire Station 1 (HB 2733) - \$1,500,000; Clay County Fire Station (Senate Form 2113) - \$700,000; Gulf County, Stone Mill Creek Fire Department (Senate Form 2209) - \$400,000; Marco Island Fire Station (HB 3323) - \$750,000; Pembroke Pines Fire Training Facility (HB 2817) - \$600,000; Wakulla County Fire and EMS Station (HB 2709) - \$500,000.	N/A	Written Explanation Why Law May be Implemented Without Rulemaking: The Office of the General Counsel is preparing a grant template for use with these 11 grants.
Chapter 2017-70, L.O.F.; SB 2500, s. 6; General Appropriations Act	N/A	The \$1,000,000 of funding provided in Specific Appropriation 2373A is nonrecurring and shall be transferred to the University of Miami - Sylvester Comprehensive Cancer Center for the purpose of Firefighter Cancer Research. The funds shall be utilized to: expand firefighters access to cancer screenings across the state; enable prevention and earlier detection of the disease; identify exposures that account for increased cancer risk; and field test new technology and methods that measure exposure in the field. The University of Miami - Sylvester Comprehensive Cancer Center shall develop a report on cancer research outcomes and cancer mitigation efforts being examined. The report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Chief Financial Officer, and the Governor by June 15, 2018 (HB 3433).	N/A	Written Explanation Why Law May be Implemented Without Rulemaking: The Division of State Fire Marshal and the University of Miami will enter into a grant agreement and a data use agreement.
Chapter 2017-70, L.O.F.; SB 2500, s. 6; General Appropriations Act	N/A	From the funds in Specific Appropriation 2374, \$325,000 in nonrecurring funds from the Insurance Regulatory Trust Fund is provided to the DFS to conduct or competitively procure a contract for a required study of mining activities pursuant to section 552.30(3), F.S.	N/A	Written Explanation Why Law May be Implemented Without Rulemaking: GAA requirement.
Chapter 2017-70, L.O.F.; SB 2500, s. 6; General Appropriations Act	N/A	From the funds in Specific Appropriation 2472, three positions with associated salary rate of \$152,645 and \$210,000 from the Workers' Compensation Administration Trust Fund are provided for additional workers' compensation insurance fraud investigators. The positions and funding shall be placed in reserve and are contingent upon a grant to fund the positions. After grant funding has been obtained by the DFS, it shall request the release of positions and funds pursuant to the provisions of chapter 216, F.S.	N/A	Written Explanation Why Law May be Implemented Without Rulemaking: GAA requirement.
Chapter 2017-70, L.O.F.; SB 2500, s. 6;	N/A	Funds in Specific Appropriation 2477 are provided for transfer to the Justice Administrative Commission for the specific purpose of funding attorneys and paralegals dedicated solely to the prosecution of insurance fraud	N/A	Written Explanation Why Law May be Implemented Without Rulemaking: GAA requirement.

General Appropriations Act		cases in Duval, Orange, Miami-Dade, Hillsborough, Palm Beach, Lee, and Broward counties. These funds may not be used for any purpose other than the funding of attorney and paralegal positions that prosecute crimes of insurance fraud.		
Chapter 2017-70, L.O.F.; SB 2500, s. 75; General Appropriations Act	N/A	The unexpended balance of funds provided to the DFS for domestic security issues in Specific Appropriation 1961C of chapter 2016-86, Laws of Florida, and subsequently distributed to the DFS pursuant to budget amendment EOG# B2016-0014, shall revert and is appropriated for Fiscal Year 2017-2018 to the DFS for the same purpose.	N/A	Written Explanation Why Law May be Implemented Without Rulemaking: GAA requirement.
Chapter 2017-70, L.O.F.; SB 2500, s. 76; General Appropriations Act	N/A	The unexpended balance of funds provided to the DFS from the Insurance Regulatory Trust Fund In Specific Appropriations 2335 and 2336 of chapter 2016-86, Laws of Florida, for an electronic plans review system for the Bureau of Fire Prevention to receive digital construction plans and documents used for Florida Fire Prevention Code compliance, shall revert and is appropriated for Fiscal Year 2017-2018 to the DFS for the same purpose.	N/A	Written Explanation Why Law May be Implemented Without Rulemaking: GAA requirement.

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 2017-2018 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/;
- 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 2017-2018 regulatory plan.

ATTACHMENT A

RULEMAKING DURING 2017-2018

69A = State Fire Marshal

69B = Insurance Agent and Agency Services

69C = Treasury

69D = Investigative and Forensic Services

69E = Administration

69G = Unclaimed Property

69H = Risk Management

69I = Accounting and Auditing

69J = Consumer Services

69K = Funeral, Cemetery, and Consumer Services

69L = Workers' Compensation

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-21.102	Dealer Licenses	<p>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."</p> <p>Determine needed action regarding correspondence JAPC received from the Committee from the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration.</p>	A, C
69A-37.037	Firefighter Training Course Medical Examination	Update of NFPA 1582-5.1, 2007 Edition to NFPA 1582-5.1, 2013 Edition.	A, B
69A-37.039	Prescribed Forms for Training & Certification	Add form DFS-K4-1028, Verification of Training Hours/Firefighter I and II; add form, Application for Lifetime Firefighter Designation, to implement section 633.415, F.S.	A, B
69A-37.058	Verification of Prescribed Training Hours	References to form DFS-K4-1028 do not include a link or incorporate the form by reference.	A, B
69A-37.065	Programs of Study and Vocational Courses	Clarify fire inspectors training and certification requirements.	A, B
69A-39.005	Minimum Curriculum Requirements for Firesafety Inspector Certification	Clarify fire inspectors training and certification requirements.	A, B
69A-40	Assisted Living Facilities	Update rules to adopt more recent editions of NFPA standards.	B, C
69A-51	Boiler Safety	Rulemaking and technical changes needed as a result of passage of HB 925.	A, B
69A-64.005	Firefighters Death Benefits 2017	Amend to reflect that the consumer price index went up 1.9 percent in the past 12 months.	A
69B-151.201	Purpose and Scope	The history notes contain unnecessary references to Laws of Florida.	A
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).	E

ATTACHMENT A

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69B-151.203	Adoption of Form OIR-DO-1180	The OIR bureau listed for obtaining the forms does not exist anymore. Replace bureau name and address with weblink: www.flair.com/siteDocuments/OIR-DO-1180.pdf to obtain the form.	B
69B-220	Adjusters	This chapter needs to be updated to reflect changes to Part VI of Chapter 626, F.S., as a result of passage of HB 911.	A
69B-221.001	License Required	This rule does not implement s. 648.35, F.S., as it indicates.	A
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.	A
69B-221.055	Permanent Office Records Required	This rule does not implement s. 648.25, F.S., as it indicates.	A
69B-221.070	Build-up Funds; Reporting	This rule requires each insurer to submit a report on build-up trust accounts to the DFS. However, the law implemented requires each managing general agent (MGA) to also submit a 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.	A
69B-221.125	Collateral Security; Affidavit; Form	The rule does not implement s. 648.44(1)(m), F.S., or 648.45, F.S. Amend the rule to delete these two statutes from the law implemented.	A
69B-221.135	Collateral Security Requirements	Division wants to initiate rulemaking regarding types of acceptable collateral security.	A
69B-221.140	Indemnity Agreement; Form	Repeal this rule, as it is redundant of s. 658.442(10), F.S.	E
69B-228	Continuing Education	This chapter needs to be updated to make amendments as a result of passage of HB 925.	A
69B-231	Penalty Guidelines for Insurance Representatives	This chapter needs to be updated to make amendments as a result of passage of HB 925.	A
69C-4.004	Standard Contracts with Electronic Payment Service Providers	Update rule to reflect that a new e-payment contract with American Express is now in effect.	B, C, D
69D-2.002	Definitions	Amend definition.	A
69D-2.003	Insurer SIUs	Delete rule to reflect changes in s. 626.9891, F.S., and the requirements of newly created s. 626.9896, F.S.	A, B

ATTACHMENT A

RULEMAKING DURING 2017-2018

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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.
69D-2.004	Insurer Anti-Fraud Plans	Update rule to reflect changes in s. 626.9891, F.S., and the requirements of newly created s. 626.9896, F.S.	A, B, E
69D-2.005	Compliance and Enforcement	Update rule to reflect changes in s. 626.9891, F.S., and the requirements of newly created s. 626.9896, F.S.	A, B
69H-1.001	Purpose	Update and clarify the purpose of the rule.	A
69H-1.002	Premium Assessments	As part of updates to this entire chapter, clarifications may be needed regarding premium assessments.	A
69H-1.003	Certificate and Other Forms Adopted	Forms need to be updated (some additions, modifications, and deletions).	A, B, C
69H-1.004	Renewals	Make updates and clarification to the rule.	A
69H-1.005	Automatic Coverage and Certificate of Coverage	Updates needed to incorporate new process to apply for insurance coverage through the Division's risk management information system.	A, B, C
69H-1.006	Losses	Updates needed to incorporate new process to report losses through the Division's risk management information system.	A, B, C
69H-1.007	Settlement of Losses	Update and clarify the process for submitting actual cash value (ACV) and lightning loss information to the Division.	A, B, C
69H-1.008	Building Replacement Value	Update and clarify the process for submitting replacement cost information to the Division.	A, B, C
69I-10.082	Forgeries	Amend rule to adopt revised Form DFS-A1-409, which was revised effective 01/14.	A
69I-21.005	Procedure for Processing and Approving Settlement of Claims in Favor of the State	Amend to correct an inconsistency with Rule 69I-21.003 and this rule. 69I-21.003 no longer requires that delinquent accounts receivable be transferred to the DFS for collection; rather, the rule requires that the agencies assign the account to a debt collection agency.	B, C
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.	A
69J-166.002	Mediation of Commercial Residential Property Insurance Claims	Add clarification that an assignee of an Assignment of Benefits is eligible to request and participate in mediation; revise Form DFS-I4-2169.	A, B
69J-166.031	Mediation of Residential Property Insurance Claims	Add clarification that an assignee of an Assignment of Benefits is eligible to request and participate in mediation; revise Form DFS-I0-2082.	A, B

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69K-____	Board Appointment	New rule to set forth the procedure needed for appointment to the Board of Funeral, Cemetery, and Consumer Services	A, B, C
69K-6.002	Care and Maintenance of Existing Cemetery	This rule is redundant of laws implemented.	A, B, E
69K-6.004	Safekeeping of Records	The manner of storage of computer files set forth in (2) and (3) are obsolete; amend rule to update (2) and (3).	A
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; amend rule to correct this provision.	A
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.	A
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.	A
69K-7.012	Criteria for Filing a Surety Bond in Lieu of Maintaining a Trust Fund	Due to a change in statute, this rule and Form DFS-C-2 need to be amended to properly reflect s. 497.452, F.S., as opposed to s. 497.461, F.S., in the Rulemaking Authority and Law Implemented sections.	A
69K-11.001	Disciplinary Guidelines	Repeal after 69K-30.001 is amended to include all disciplinary guidelines for violations currently in 69K-11.001. Joint rulemaking by the DFS and the Board of Funeral, Cemetery, and Consumer Services' attorney in the Office of the Attorney General.	E
69K-11.002	Minor Violations and Notice of Noncompliance	Repeal after 69K-30.001 is amended to include all disciplinary guidelines for violations currently in 69K-11.002. Joint rulemaking by the DFS and the Board of Funeral, Cemetery, and Consumer Services' attorney in the Office of the Attorney General.	E
69K-11.003	Citations for Cemeteries, Preneed Sales, and Monument Establishments	Repeal after 69K-30.001 is amended to include all disciplinary guidelines for violations currently in 69K-11.003. Joint rulemaking by the DFS and the Board of Funeral, Cemetery, and Consumer Services' attorney in the Office of the Attorney General.	E
69K-21.003	Inspection Criteria (Funeral Establishment)	Language in (1) needs to be modified to require a preparation room have specific instruments that are properly maintained. Also, there is a typo in subsection (2); check	A

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		what the correct statute number should be. Section 497.388, F.S., has never been used. In subsection (3), Board office should be stricken and replaced with division.	
69K-21.008	Notification of Change in Funeral Director in Charge	Section 497.380(12), F.S., needs to be added to the rulemaking authority and the law implemented.	A
69K-21.009	Disinterment Reporting	The rule should include the form number for the report, along with a hyperlink to obtain the form.	A
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.	A
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 crematorium facilities file a 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.	A
69K-30.001	Disciplinary Guidelines and Penalties for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposal and Establishments, and Crematorium Facilities	The current disciplinary guidelines need to be updated and more guidelines need to be added as all violations are not currently found in the rule. There is also a need to combine five other rules into this one and repeal the others. Joint rulemaking by the DFS and the attorney for the Board of Funeral, Cemetery, and Consumer Services in the Office of the Attorney General.	A
69K-30.0021	Minor Violations and Notice of Noncompliance for Funeral Directors and	Repeal after 69K-30.001 is amended to include all disciplinary guidelines for violations currently in 69K-30.0021. Joint rulemaking by the DFS and the attorney for	E

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	Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposalers and Establishments, and Cinerator Facilities	the Board of Funeral, Cemetery, and Consumer Services in the Office of the Attorney General.	
69K-30.003	Citations for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposalers and Establishments, and Cinerator Facilities	Repeal after 69K-30.001 is amended to include all disciplinary guidelines for violations currently in 69K-30.003. Joint rulemaking by the DFS and the attorney for the Board of Funeral, Cemetery, and Consumer Services in the Office of the Attorney General.	E
69K-33.001	Requirements Regarding Handling and Storing of Human Remains	Members of the death care industry have raised a question regarding the appropriate covering of human remains prior to and during transport. The Board of Funeral, Cemetery, and Consumer Services will make a determination as to whether to open this matter for rulemaking.	A, B, C
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.	E
69L-7.020	Florida Workers' Compensation Health Care Provider Reimbursement Manual	Amend to adopt the 2017 version of the manual.	A, B, C
69L-7.100	Florida Workers' Compensation Reimbursement Manual for	Amend to adopt the 2017 version of the manual.	A, B, C

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	Ambulatory Surgical Centers (ASCs)		
69L-7.501	Florida Workers' Compensation Reimbursement Manual for Hospitals	Amend to adopt the 2017 version of the manual.	A, B, C
69L-56	Electronic Data Interchange (EDI) Requirements for Proof of Coverage and Claims (Non-Medical)	This is a rewrite of the entire chapter due to some legislative changes.	A, B, C, E

**ATTACHMENT B – UPDATE TO
DEPARTMENT OF FINANCIAL SERVICES'
PROPOSED RULES FOR PREVIOUS YEARS**

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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.	JAPC will not consider these changes as technical. Division does not want to proceed with rulemaking to this chapter at this time.
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.	On 10/4/16, this assignment was absorbed into 69A-2, above.
69A-3.012	Standards of the National Fire Protection Association and Other Standards Adopted	The proposed rule is to promulgate the triennial update of the Florida Fire Prevention Code as directed by s. 633.202(1), F.S.	Notice of Rule Development – Vol. 43, Issue 109; Notice of Proposed Rule – Vol. 43, Issue 129.
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."	Moved to Attachment A for 2017-2018 rulemaking.
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.	Moved to Attachment A for 2017-2018 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; Notice of Proposed Rule - Vol. 42, Issue 227; effective 3/7/17.
69A-37.039	Prescribed Forms for Training and Certification	This assignment is to correct a number of forms within the rule. Specifically, forms 1016, 1022, 1023, 1028, 1308, 1309, 1390, 1438, 1439, 1446, 1451, 1452, 1453, 1455, 1456 and 1457.	Notice of Rule Development – Vol. 41, Issue 243; Notice of Proposed Rule - Vol. 42, Issue 51; effective 7/13/16.
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; Notice of Proposed Rule - Vol. 43, Issue 07; effective 5/18/17.

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RULE NUMBER	TITLE	EXPLANATION	CITATIONS TO F.A.R.; OR WRITTEN EXPLANATION WHY RULEMAKING DID NOT GO FORWARD
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.	Workshops held; Notice of Rule Development – Vol. 43, Issue 152.
69A-37.065	Programs of Study and Vocational Courses	Rulemaking to amend the Fire Investigator Program.	Notice of Rule Development – Vol. 42, Issue 122; Notice of Proposed Rule - Vol. 43, Issue 07; effective 5/18/17.
69A-37.501	Definitions	This rule is needed to provide definitions for the newly created Firefighter Assistance Grant Program rule, 69A-37.502, F.A.C.	Notice of Rule Development – Vol. 42, Issue 122; Notice of Proposed Rule - Vol. 42, Issue 227; effective 3/7/17.
69A-37.502	Firefighter Assistance Grant Program	Effective July 1, 2016, Chapter 2016-132, Laws of Florida, creates the Firefighter Assistance Grant Program within the Division of State Fire Marshal. The program shall provide financial assistance to improve firefighter safety and enable volunteer and combination fire departments to provide firefighting, emergency medical, and rescue services to their communities. The Division of State Fire Marshal shall administer the program and annually award grants to such fire departments demonstrating need as a result of participating in the annual Florida Fire Service Needs Assessment Survey. The funds are to be used to: (i) provide firefighter training to individuals to obtain a Volunteer Firefighter Certificate of Completion at no cost to the fire department or student; (ii) purchase firefighter personal protective equipment that complies with NFPA® 1851; (iii) purchase self-contained breathing apparatus equipment that complies with NFPA® 1852; and (iv) purchase fire engine pumper apparatus equipment.	Notice of Rule Development – Vol. 42, Issue 122; Notice of Proposed Rule - Vol. 42, Issue 227; effective 3/7/17.
69A-40	Uniform Firesafety Standards for Assisted Living Facilities	Uniform firesafety standards for assisted living facilities shall be established by the State Fire Marshal pursuant to s. 633.206, F.S.	Though listed on the 2016-2017 Regulatory Plan as mandatory rulemaking, the requirement for the DFS to establish uniform fire safety standards existed prior to the changes that were made to s. 429.41, F.S., and the DFS had previously complied with that requirement. However, updates to rule chapter are listed on Attachment A for 2017-2018 new rulemaking.
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.)	Notice of Rule Development - Vol. 42, Issue 54; Notice of Proposed Rulemaking - Vol. 42, Issue 88; effective 7/19/16.
69A-46.030	Definitions	Adding definitions.	Notice of Rule Development - Vol. 42, Issue 54; .

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RULE NUMBER	TITLE	EXPLANATION	CITATIONS TO F.A.R.; OR WRITTEN EXPLANATION WHY RULEMAKING DID NOT GO FORWARD
			Notice of Proposed Rulemaking - Vol. 42, Issue 89; effective 7/19/16.
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.	Notice of Rule Development - Vol. 42, Issue 54; Notice of Proposed Rulemaking - Vol. 42, Issue 89; effective 7/19/16.
69A-46.040	Installation Requirements for Automatic Sprinkler Systems Employing Water as the Extinguishing Agent	In subsection (8) 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.	Notice of Rule Development - Vol. 42, Issue 54; Notice of Proposed Rulemaking - Vol. 42, Issue 89; effective 7/19/16.
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.	Notice of Rule Development - Vol. 42, Issue 54; Notice of Proposed Rulemaking - Vol. 42, Issue 89; effective 7/19/16.
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; Notice of Proposed Rule - Vol. 42, Issue 231; effective 6/26/17.
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 429.87(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; Notice of Proposed Rule - Vol. 42, Issue 231; effective 6/26/17.
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 complied with the subdivisions of the NFPA cited in subsection (4). The rule should be amended to clarify these provisions.	Notice of Rule Development - Vol. 42, Issue 62; Notice of Proposed Rule - Vol. 42, Issue 231; effective 6/26/17.
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	Notice of Rule Development - Vol. 42, Issue 62; Notice of Proposed Rule - Vol. 42, Issue 231; effective 6/26/17.

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		evacuation capability requirements. Also, Form DFS-K3-1437 has a later revision date of 8/07.	
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.	This was mistakenly listed as part of adopting the latest edition of the Florida Fire Prevention Code – no amendments were needed.
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.	Notice of Rule Development – Vol. 42, Issue 50; Notice of Proposed Rule – Vol. 43, Issue 129.
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.	Notice of Rule Development – Vol. 42, Issue 50; Notice of Proposed Rule – Vol. 43, Issue 129.
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.	Notice of Rule Development – Vol. 42, Issue 50; Notice of Proposed Rule – Vol. 43, Issue 129.
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.	Notice of Rule Development – Vol. 42, Issue 50; Notice of Proposed Rule – Vol. 43, Issue 129.
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.	This was mistakenly listed as part of adopting the latest edition of the Florida Fire Prevention Code – no amendments were needed.
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 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.	This was mistakenly listed as part of adopting the latest edition of the Florida Fire Prevention Code – no amendments were needed.

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69A-60.011	Informal, Non-Binding Interpretations of the Florida Fire Prevention Code	Chapter 2016-129, Laws of Florida, mandates that 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; Chapter Law 2017-29 reduced the Department of Business and Professional Regulation's surcharge from 1.5% to 1% of the permit fees associated with enforcement of the Florida Building Code.	Notice of Rule Development – Vol. 42, Issue 209; 9-15-17- Notice of Proposed Rulemaking (2 nd notice) routing for approval (rerouted with Updated CFO info)
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.	Notice of Rule Development – Vol. 42, Issue 231; Notice of Proposed Rule – Vol 43, Issue 156.
69A-62.021	Minimum Requirements for 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.	Notice of Rule Development – Vol. 42, Issue 231; Notice of Proposed Rule – Vol 43, Issue 156.
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.	Notice of Rule Development – Vol. 42, Issue 231; Notice of Proposed Rule – Vol 43, Issue 156.
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 (http://www.bls.gov/cpi/cpid1604.pdf). Accordingly, this rule will need to be amended to reflect the increase in the CPI.	Notice of Rule Development – Vol. 42, Issue 145; Notice of Proposed Rule – Vol. 42, Issue 183; effective 11/21/16.
69A-67	Firesafety Standards for Nonresidential Farm Buildings	The State Fire Marshal shall adopt rules for the use of alternative lifesafety and fire prevention standards for nonresidential farm buildings, as well as notification and inspection 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.	Notice of Rule Development - Vol. 42, Issue 106; Notice of Proposed Rule - Vol. 42, Issue 171; effective 4/25/17.
69A-70	Carbon Monoxide	Chapter Law 2016-132, Laws of Florida (HB 651), s. 9, modified s. 590.211, F.S., Safety Regulations, to require rulemaking related to carbon monoxide detectors.	Notice of Rule Development - Vol. 42, Issue 130; Notice of Proposed Rule – Vol. 43, Issue 173.
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.	Division no longer wants to proceed with rulemaking at this time.
69B-124.002	Rights of Borrower	Review this rule to determine whether it should be repealed for lacking authority and extending the statute implemented.	Division no longer wants to proceed with rulemaking at this time.
69B-124.010	Substitution of Policies	The DFS has 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.	Division no longer wants to proceed with rulemaking at this time.

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		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.	
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.	Division no longer wants to proceed with rulemaking at this time.
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.	Division no longer wants to proceed with rulemaking at this time.
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."	Division no longer wants to proceed with rulemaking at this time.
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 1998. 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.	Division no longer wants to proceed with rulemaking at this time.
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.	Division no longer wants to proceed with rulemaking at this time.
69B-151.201	Purpose and Scope	The history notes contain unnecessary references to Laws of Florida.	Moved to Attachment A for 2017-2018 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).	Moved to Attachment A for 2017-2018 rulemaking.
69B-151.203	Adoption of Form OIR-DO-1180	The OIR bureau listed for obtaining the form does not exist anymore. Replace bureau name and address with weblink: www.florid.com/siteDocuments/OIR-DO-1180.pdf to obtain the form.	Moved to Attachment A for 2017-2018 rulemaking.
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 Office of the General Counsel is reviewing draft and researching whether authority resides in the DFS or the Office of Insurance Regulation.

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RULE NUMBER	TITLE	EXPLANATION	CITATIONS TO F.A.R.; OR WRITTEN EXPLANATION WHY RULEMAKING DID NOT GO FORWARD
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 Office of the General Counsel is reviewing draft and researching whether authority resides in the DFS or the Office of Insurance Regulation.
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.	The Office of the General Counsel is reviewing draft and researching whether authority resides in the DFS or the Office of Insurance Regulation.
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."	The Office of the General Counsel is reviewing draft and researching whether authority resides in the DFS or the Office of Insurance Regulation.
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 not to insurers. Rules that apply strictly to insurers should be repealed. These rules will still exist as OIR rules.	The Office of the General Counsel is reviewing draft and researching whether authority resides in the DFS or the Office of Insurance Regulation.
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 Office of the General Counsel is reviewing draft and researching whether authority resides in the DFS or the Office of Insurance Regulation.
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.	The Office of the General Counsel is reviewing draft and researching whether authority resides in the DFS or the Office of Insurance Regulation.
69B-156.105	Unfair or Deceptive Acts or Practices Defined	Terms should be reviewed and updated.	The Office of the General Counsel is reviewing draft and researching whether authority resides in the DFS or the Office of Insurance Regulation.
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."	The Office of the General Counsel is reviewing draft and researching whether authority resides in the DFS or the Office of Insurance Regulation.

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69B-156.108	Advertisements of Benefits Payable, Losses Covered or Premiums Payable	Delete subsection (1)(e) since it only applies to insurers.	The Office of the General Counsel is reviewing draft and researching whether authority resides in the DFS or the Office of Insurance Regulation.
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.	The Office of the General Counsel is reviewing draft and researching whether authority resides in the DFS or the Office of Insurance Regulation.
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."	The Office of the General Counsel is reviewing draft and researching whether authority resides in the DFS or the Office of Insurance Regulation.
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 Office of the General Counsel is reviewing draft and researching whether authority resides in the DFS or the Office of Insurance Regulation.
69B-156.117	Introductory, Initial, or Special Offers	Subsections (2) and (3) apply only to insurers and should be deleted.	The Office of the General Counsel is reviewing draft and researching whether authority resides in the DFS or the Office of Insurance Regulation.
69B-156.123	Prior Rules	Obsolete - repeal.	The Office of the General Counsel is reviewing draft and researching whether authority resides in the DFS or the Office of Insurance Regulation.
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.	To be repealed.
69B-157.101	Purpose	Determine whether the stated purposes are within the jurisdiction of the DFS. Delete provisions in the rule that are not within the DFS's jurisdiction.	To be repealed.
69B-157.102	Applicability and Scope	Delete subsection (4) - It's obsolete.	To be repealed.
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 DFS does not have jurisdiction to define terms for insurance policies. The definition of nursing home is not needed. Repeal the entire rule.	To be repealed.
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.	To be repealed.
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.	To be repealed.

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		Delete subsections (2), (4), (7) and (8). The rule needs to be amended to adopt a specific form by reference.	
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.	To be repealed.
69B-186.010	Unlawful Inducements Related to Title Insurance Transactions	Amend to clarify that inducements are rebates for purposes of the rule.	Notice of Rule Development – Vol. 42, Issue 35; Notice of Proposed Rule – Vol. 43, Issue 50; Notice of Hearing – Vol. 43, Issue 159; Notice of Public Meeting – Vol. 43, Issue 174.
69B-196.023	Insurance Agent Penalties	Repeal this rule or consideration should be given to adopting a rule in this chapter to cross-reference 69O-196.010, .020, and .021.	Notice of Proposed Rule – Vol. 42, Issue 196; repealed 12/8/16.
69B-211.002	General Procedures	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. Subsection (2)(b) appears to be obsolete since the rules it refers to have been repealed. Subsection (20) needs to be completely revised to provide current fingerprinting procedures. 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. Subsections (32) and (33) need to be deleted because the administrative agent designation was repealed in 2003.	Division to provide forms revisions.
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.	Division to provide forms revisions.
69B-211.022	Character and Credit Reports Required	Discuss with Division whether to repeal this rule.	Division to provide forms revisions.
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	Division to provide forms revisions.

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		representative, service representative, managing general agent, and reinsurance intermediary.	
69B-211.041	Definitions	Potential changes by the Division of Insurance Agent and Agency Services.	Division to provide forms revisions.
69B-211.042	Effect of Law Enforcement Records on Applications for Licensure	Potential changes by the Division of Insurance Agent and Agency Services.	08/29/2017: Technical Change letter was submitted to the Department of State.
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's online appointment process, eAppoint, must be used for effectuating new appointments and may be accessed on the Department's website at http://www.fdfs.com/. 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's 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 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.</p>	The OGC is to provide clarification of its comments to the Division.
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"	The OGC is to provide clarification of its comments to the Division.

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69B-220.001	Licensure of Emergency Adjusters	<p>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.</p> <p>Due to changes in adjuster laws in 2012, there are some technical changes that need to be made.</p> <p>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."</p> <p>Subsection (6)(b) should be deleted because there is only one licensure type and class - all-lines.</p> <p>Delete s. 626.858, F.S., from law implemented. It was repealed.</p>	This rule will be absorbed into rulemaking in 2017-2018 to chapter 69B-220 to reflect changes to Part VI of Chapter 626, F.S., as a result of passage of HB 911.
69B-220.051	Conduct of Public Adjusters	Add language to further clarify "prompt notice" of a claim to an insurer.	Notice of Rule Development – Vol. 42, Issue 71; comments received. Moved to Attachment A for 2017-2018 rulemaking with other rules in chapter.
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.	This rule has not been assigned, as the Division has not sent a rule draft yet; however, the entire chapter 69B-220 will have rulemaking during 2017-2018 with other rules in chapter.
69B-221.001	License Required	This rule does not implement s. 648.35, F.S., as it indicates.	Moved to Attachment A for 2017-2018 rulemaking.
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.	Moved to Attachment A for 2017-2018 rulemaking.
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.	The revision date was corrected on the website; no rulemaking was necessary.
69B-221.055	Permanent Office Records Required	This rule does not implement s. 648.25, F.S.; it contains definitions.	Moved to Attachment A for 2017-2018 rulemaking.
69B-221.070	Build-up Funds; Reporting	The rule requires each insurer to submit a report on build-up trust accounts to the DFS. However, the law implemented requires each MGA to also submit a 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.	Moved to Attachment A for 2017-2018 rulemaking.

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69B-221.095	Soliciting Business	Amend rule to correct the form revision date. The form adopted in subsection (2) was revised in 6/11.	This rule was incorrectly listed. There is no form referenced in this rule.
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.	Moved to Attachment A for 2017-2018 rulemaking.
69B-221.135	Collateral Security Requirements	Division wants to initiate rulemaking regarding types of acceptable collateral security.	Moved to Attachment A for 2017-2018 rulemaking.
69B-221.140	Indemnity Agreement; Form	Repeal this rule, as it is redundant of s. 648.442(10), F.S.	Moved to Attachment A for 2017-2018 rulemaking.
69B-221.155	Forms for Limited Surety (Ball 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.	Corrections made on the website; no rulemaking was necessary.
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.	Assignment now closed because the Division is going to make changes to entire chapter during 2017-2018 as a result of passage of HB 925.
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.	Notice of Rule Development – Vol. 42, Issue 207; Notice of Proposed Rule – Vol. 43, Issue 74; effective 8/16/17.
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 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.	Notice of Rule Development – Vol. 42, Issue 187; Notice of Proposed Rule – Vol. 43, Issue 115; effective 9/14/17.
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.	Mistakenly listed. Only 69C-1.004 and 69C-1.005 had amendments.
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.	Notice of Rule Development – Vol. 42, Issue 211; Notice of Proposed Rule – Vol. 43, Issue 24; effective 4/4/17.
69C-1.005	Administration of Clearing Accounts	This rule hasn't been amended in 25 years. Review the rule.	Notice of Rule Development – Vol. 42, Issue 211; Notice of Proposed Rule – Vol. 43, Issue 24;

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69C-2.004	Definitions	Confirm all applicable definitions are current, listed, and consistent with information on the DFS's 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."	effective 4/4/17. As of 8/31/17, the Division is finalizing revisions.
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."	As of 8/31/17, the Division is finalizing revisions.
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.	As of 8/31/17, the Division is finalizing revisions.
69C-2.007	Eligible Collateral Criteria and Restrictions	Information on the DFS's website should be included in this rule since it contains other eligibility requirements for the use of CD as collateral.	As of 8/31/17, the Division is finalizing revisions.
69C-2.009	Forms	The list of forms needs to be updated, and the form numbers need to be changed.	As of 8/31/17, the Division is finalizing revisions.
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).	As of 8/31/17, the Division is finalizing revisions.
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.	As of 8/31/17, the Division is finalizing revisions.
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.	As of 8/31/17, the Division is finalizing revisions.
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).	As of 8/31/17, the Division is finalizing revisions.

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RULE NUMBER	TITLE	EXPLANATION	CITATIONS TO F.A.R.; OR WRITTEN EXPLANATION WHY RULEMAKING DID NOT GO FORWARD
69C-2.026	Administration of Payment of Losses	Correct the format of the form numbers. See subsections (1) and (4).	As of 8/31/17, the Division is finalizing revisions.
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.	As of 8/31/17, the Division is finalizing revisions.
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.	As of 8/31/17, the Division is finalizing revisions.
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).	As of 8/31/17, the Division is finalizing revisions.
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.	As of 8/31/17, the Division is finalizing revisions.
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.	As of 8/31/17, the Division is finalizing revisions.
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.
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 0 Vol. 41, Issue 136; Notice of Proposed Rule - Vol. 41, Issue 178; rule tolled.
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.	Notice of Rule Development – Vol. 42, Issue 211; The OGC is to finalize review of draft forms.
69D-1.003	Review Process and Reward Criteria (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.	Notice of Rule Development – Vol. 42, Issue 219; Notice of Proposed Rule – Vol. 43, Issue 16; effective 3/27/17.
69E-121.007	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.	The OGC is researching whether to amend this rule versus repealing the rule.

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RULE NUMBER	TITLE	EXPLANATION	CITATIONS TO F.A.R.; OR WRITTEN EXPLANATION WHY RULEMAKING DID NOT GO FORWARD
69E-121.010	Indexing, Management, and Availability of Final Orders	Chapter Law 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).	Notice of Proposed Rule – Vol. 43, Issue 114; repealed 8/16/17.
69G-20 (.001, .0011, .0021, .0022, .0026, .036)	Unclaimed Property	The newly created Division of Unclaimed Property is working on a substantial re-write of the entire chapter, which will include renumbering.	Notice of Rule Development – Vol. 43, Issue 105; 2nd Notice of Rule Development – Vol. 43, Issue 151.
69G-20.0030	Claims for United States 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.	Notice of Rule Development – Vol. 42, Issue 128; Notice of Proposed Rule – Vol. 43, Issue 25; effective 4/23/17.
69G-20.041	Division of Unclaimed Property Reporting Instructions	Adopt a new Reporting Instructions Manual.	Notice of Rule Development – Vol. 43, Issue 79; Notice of Proposed Rule – Vol. 43, Issue 116; effective 9/20/17.
69G-20.080	Minor Violations	Repeal this rule. The Division of Unclaimed Property has determined that a violation of this rule is not a minor violation and that this rule also conflicts with the requirements of s. 120.695, F.S.	Notice of Proposed Rule – Vol. 43, Issue 84; Notice of Withdrawal – Vol. 43, Issue 93.
69H-2.004	Certificate of Coverage	Amend rule to adopt a form.	Division to provide form revisions.
69H-2.007	Loss Prevention Programs	Amend rule to adopt a form.	Division to provide form revisions.
69I-5.006	Recipient/Subrecipient and Vendor Relationships	Chapter Law 2016-132 amended s. 215.97(2)(a), the Florida Single Audit Act, to increase the audit threshold from \$500,000 to \$750,000 to conform to the federal single audit act.	On 9/15/17, the Division confirmed that its draft is almost completed.
69I-10.082	Forgeries	Amend rule to adopt revised Form DFS-A1-409, which was revised effective 01/14.	Moved to Attachment A for 2017-2018 rulemaking.
69I-21.005	Procedure for Processing and Approving Settlement of Claims in Favor of the State	Amend to correct an inconsistency with Rule 69I-21.003 and this rule. 69I-21.003 no longer requires that delinquent accounts receivable be transferred to the DFS for collection; rather, the rule requires that the agencies assign the account to a debt collection agency.	Attorney researching the rule and related issues.

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69I-23.001	Applicability	This rulemaking is just a clean-up (merging four forms into one) and non-controversial, and it only impacts agencies.	Mistakenly listed. This rule merely states the following, "The rules in this chapter shall govern the establishment and use of revolving funds by any agency." It contains no forms.
69I-23.002	Definitions	This rulemaking is just a clean-up (merging 4 forms into one) and non-controversial. It only impacts agencies.	Notice of Rule Development – Vol. 43, Issue 59; Notice of Proposed Rule – Vol. 43, Issue 107; effective 9/20/17.
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.	Notice of Rule Development – Vol. 43, Issue 59; Notice of Proposed Rule – Vol. 43, Issue 107; effective 9/20/17.
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.	Notice of Rule Development – Vol. 43, Issue 59; Notice of Proposed Rule – Vol. 43, Issue 107; effective 9/20/17.
69I-31.805	Assistance to Employing Agencies	This needs to be repealed, as it no longer applies to us.	Notice of Proposed Rule – Vol. 43, Issue 34; repealed 4/23/17.
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.	Moved to Attachment A for 2017-2018 rulemaking.
69K-1.001	List of Approved Forms; Incorporation by Reference	The list of forms needs to be updated.	Notice of Rule Development – Vol. 43, Issue 63; Notice of Proposed Rule – Vol. 43, Issue 126; 07/05/2017: Notice of Correction, Vol 43, Issue 129 8/8/17 - JAPC agreed to temporarily toll rule to allow Board review.
69K-1.003	Miscellaneous Fees; Name Changes and Duplicate Licenses	Amend the rule to reflect updated terms and references.	Division will proceed with rulemaking after 69K-1.001 is fully adopted.
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.	Notice of Rule Development – Vol. 43, Issue 72; Notice of Proposed Rule – Vol. 43, Issue 137; 8/8/17 - JAPC agreed to temporarily toll rule to allow Board review.
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.	Notice of Rule Development – Vol. 43, Issue 72; Notice of Proposed Rule – Vol. 43, Issue 137;

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			8/8/17 - JAPC agreed to temporarily toll rule to allow Board review.
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.	Notice of Rule Development – Vol. 43, Issue 72; Notice of Proposed Rule – Vol. 43, Issue 137; 8/8/17 - JAPC agreed to temporarily toll rule to allow Board review.
69K-5.0026	Preneed License Renewal	Amend subsection (1) to reflect correct form numbers and dates. In (2)(a) and (b), strike through COA.	Notice of Rule Development – Vol. 43, Issue 72; Notice of Proposed Rule – Vol. 43, Issue 137; 8/8/17 - JAPC agreed to temporarily toll rule to allow Board review.
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 H1stS."	Notice of Rule Development – Vol. 43, Issue 72; Notice of Proposed Rule – Vol. 43, Issue 137; 8/8/17 - JAPC agreed to temporarily toll rule to allow Board review.
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.	Notice of Rule Development – Vol. 43, Issue 72; Notice of Proposed Rule – Vol. 43, Issue 137; 8/8/17 - JAPC agreed to temporarily toll rule to allow Board review.
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.	Notice of Rule Development – Vol. 43, Issue 72; Notice of Proposed Rule – Vol. 43, Issue 137; 8/8/17 - JAPC agreed to temporarily toll rule to allow Board review.
69K-6.002	Care and Maintenance of Existing Cemetery	This rule is redundant of laws implemented.	Moved to Attachment A for 2017-2018 rulemaking.
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).	Moved to Attachment A for 2017-2018 rulemaking.
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..."	Moved to Attachment A for 2017-2018 rulemaking.
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.	Moved to Attachment A for 2017-2018 rulemaking.

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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.	Moved to Attachment A for 2017-2018 rulemaking.
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.	Division no longer wants to move forward with rulemaking at this time.
69K-11.001	Disciplinary Guidelines	Review rule and amend or repeal.	Rulemaking will be done after adoption of Rule 69K-30.001; related rulemaking moved to Attachment A for 2017-2018 rulemaking.
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.	Rulemaking will be done after adoption of Rule 69K-30.001; related rulemaking moved to Attachment A for 2017-2018 rulemaking.
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.	Rulemaking will be done after adoption of Rule 69K-30.001; related rulemaking moved to Attachment A for 2017-2018 rulemaking.
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, 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.	Revised draft of rules sent to Ellen Simon on 4/21/17.
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.	Revised draft of rules sent to Ellen Simon on 4/21/17.
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.	Division no longer wants to proceed with rulemaking at this time.
69K-13.003	General Construction Specifications	This rule is obsolete; repeal.	Division no longer wants to proceed with rulemaking at this time.
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.	Notice of Rule Development – Vol. 41, Issue 110; Notice of Proposed Rule – Vol. 41, Issue 225;

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			effective 1/5/17. 69K-18.001 was also amended, effective 1/15/17.
69K-18.004	Intern Training Agencies	The form number in subsection (2) is incorrect. Insert a hyperlink for the form to be accessed.	Notice of Rule Development – Vol. 42, Issue 197; Notice of Proposed Rule – Vol. 43, Issue 05; effective 3/16/17.
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.	Moved to Attachment A for 2017-2018 rulemaking.
69K-21.009	Disinterment Reporting	The rule should include the form number for the report along with a hyperlink to obtain the form.	Moved to Attachment A for 2017-2018 rulemaking.
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.	Moved to Attachment A for 2017-2018 rulemaking.
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 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.	Moved to Attachment A for 2017-2018 rulemaking.
69K-23.001	Manner of Application	Amend rule for clarity.	Division no longer wants to proceed with rulemaking at this time.
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	Division no longer wants to proceed with rulemaking at this time.

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		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.	
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.	Division no longer wants to proceed with rulemaking at this time.
69K-24.040	Licensure of Centralized Embalming Facilities	Repeal this rule. 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).	Division no longer wants to proceed with rulemaking at this time.
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.	Division no longer wants to proceed with rulemaking at this time.
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."	The OGC needs to discuss draft of rule with the Division.
69K-27.001	Embalmer Apprentice Program	The application forms should be included within the rule and hyperlinks inserted for access to the forms.	Rulemaking to be done by the Board of Funeral, Cemetery, and Consumer Services' attorney in the Office of the Attorney General.
69K-30.001	Disciplinary Guidelines and Penalties for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Dispositors 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.	Moved to Attachment A for 2017-2018 rulemaking.
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).	Moved to Attachment A for 2017-2018 rulemaking.

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		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.	
69L-6.015	Record Maintenance and Production Requirements for Employers	The passage of Chapter 2016-56, Laws of Florida, requires us to delete 69L-6.015(9)(d).	Notice of Rule Development – Vol. 42, Issue 232; Notice of Proposed Rule – Vol. 43, Issue 16; effective 3/21/17.
69L-6.027	Penalty Calculation Worksheet	This rulemaking is to amend the rule and its adopted form to account for a 25% penalty reduction for employers who have not previously been issued a stop-work order or penalty assessment order and who timely provide requested business records. (See Chapter 2016-56, Laws of Florida, which added subsection 440.107(7)(d)1.b., F.S.).	Notice of Rule Development – Vol. 42, Issue 232; Notice of Proposed Rule – Vol. 43, Issue 16; effective 3/21/17.
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.	Notice of Rule Development – Vol. 42, Issue 94; Notice of Proposed Rule – Vol. 42, Issue 198; effective 1/8/17.
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.	Notice of Rule Development – Vol. 42, Issue 94; Notice of Proposed Rule – Vol. 42, Issue 198; effective 1/8/17.
69L-7.020	Florida Workers' Compensation Health Care Provider Reimbursement Manual	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.	Notice of Rule Development – Vol. 42, Issue 131; Notice of Proposed Rule – Vol. 42, Issue 191; effective 7/1/17.
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.	Notice of Rule Development – Vol. 42, Issue 131; Notice of Proposed Rule – Vol. 42, Issue 191; pending legislative ratification.
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.	Notice of Rule Development – Vol. 42, Issue 131; Notice of Proposed Rule – Vol. 42, Issue 191; pending legislative ratification.
69L-7.601	Copying Charges for Medical Records	Repeal this rule, as it is redundant of s. 440.13(4)(b), F.S.	The Division no longer wants to proceed with rulemaking at this time.
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	The Division no longer wants to proceed with rulemaking at this time.

**ATTACHMENT B – UPDATE TO
DEPARTMENT OF FINANCIAL SERVICES'
PROPOSED RULES FOR PREVIOUS YEARS**

69A = State Fire Marshal

69B = Insurance Agent and Agency Services

69C = Treasury

69D = Investigative and Forensic Services

69E = Administration

69G = Unclaimed Property

69H = Risk Management

69I = Accounting & Auditing

69J = Consumer Services

69K = Funeral, Cemetery, and Consumer Services

69L = Workers' Compensation

RULE NUMBER	TITLE	EXPLANATION	CITATIONS TO F.A.R.; OR WRITTEN EXPLANATION WHY RULEMAKING DID NOT GO FORWARD
		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.	
69L-8.071	Materials for use with the Florida Workers' Compensation Health Care Provider Reimbursement Manual	Amend for updates to incorporated resource materials.	Notice of Rule Development – Vol. 43, Issue 73; Notice of Proposed Rule – Vol. 43, Issue 161.
69L-8.072	Materials for use with the Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers	Amend for updates to incorporated resource materials.	Notice of Rule Development – Vol. 43, Issue 73; Notice of Proposed Rule – Vol.43, Issue 161.
69L-8.073	Materials for use with the Florida Workers' Compensation Hospital Reimbursement Manual	Amend for updates to incorporated resource materials.	Notice of Rule Development – Vol. 43, Issue 73; Notice of Proposed Rule – Vol.43, Issue 161.
69L-8.074	Materials for use throughout Rule Chapter 69L-7, F.A.C.	Amend for updates to incorporated resource materials.	Notice of Rule Development – Vol. 43, Issue 73; Notice of Proposed Rule – Vol. 43, Issue 161.
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)."	The Division no longer wants to proceed with rulemaking at this time.
69L-30. (.002, .003, .004, .006, .007, .010)	Expert Medical Advisors	Rulemaking is needed to comply with Chapter 2016-56, Laws of Florida.	Notice of Rule Development – Vol. 42, Issue 227; Notice of Proposed Rule – Vol. 43, Issue 07; effective 5/18/17.
69L-30.008	Billing and Reimbursement for Expert Medical Advisor Services	Technical changes need to be made to this rule to change references from 69L-7.710 to 69L-7.730.	12/13/2016: Technical change letter filed with Department of State.
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	Notice of Rule Development - Vol. 42, Issue 100; Notice of Proposed Rule – Vol. 42, Issue 236.

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RULE NUMBER	TITLE	EXPLANATION	CITATIONS TO F.A.R.; OR WRITTEN EXPLANATION WHY RULEMAKING DID NOT GO FORWARD
		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.	
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; Notice of Proposed Rule – Vol. 42, Issue 236.
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; Notice of Proposed Rule – Vol. 42, Issue 236.
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; Notice of Proposed Rule – Vol. 42, Issue 236.
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; Notice of Proposed Rule – Vol. 42, Issue 236.
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; Notice of Proposed Rule – Vol. 42, Issue 236.
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 2016-56, Laws of Florida, deleted section 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.	Moved to Attachment A for 2017-2018 rulemaking. NOTE: This will be one of the rules in the re-write of the entire chapter.