



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

June 27, 2013

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

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

**RE: Department of Financial Services
2013-2014 Regulatory Plan Pursuant to Section 120.74(3), Florida Statutes**

Dear President Gaetz and Speaker Weatherford:

Section 120.74(3), Florida Statutes, directs each state agency to file by July 1, 2013, with the President of the Senate and the Speaker of the House of Representatives, a regulatory plan identifying and describing each rule the agency proposes to adopt during the next twelve months. The regulatory plan for the Department of Financial Services is attached.

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

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

Sincerely,

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

Jeff Atwater

JA/pb
Enclosures

c: JAPC

**2013-2014 POTENTIAL RULES
DEPARTMENT OF FINANCIAL SERVICES**

Division	Mandatory Rule? List statute	Rule Number	Rule Title	Meaningful Description of the Rule	Description of how the rule benefits businesses/individuals; or benefits the public or state
State Fire Marshal (SFM) ¹	Current 633.45, in SB 1410 changed to 633.128	69A-67 (or incorporated in 69A-3 as 69A-3.013)	Minimum Training Qualifications for State Government Firesafety Coordinators	This rule establishes the minimum training qualifications for firesafety coordinators employed by state government agencies or departments	Requires that all firesafety coordinators employed by state agencies have received the necessary training to ensure their knowledge of fire and life safety considerations.
SFM	509.211	69A-51.086	Carbon Monoxide Hazards in Public Lodging Establishments	This rule establishes the installation standards/requirements and mitigation requirements for carbon monoxide sensors installed in public lodging establishments	Ensures that carbon monoxide sensors required to be installed in public lodging establishments are properly installed or that the carbon monoxide gas has been appropriately mitigated.
SFM	633.128	69A-37.065	Programs of Study and Vocational Courses	Criteria used to approve education or training providers	Provides for assurance of quality and reliability for students.
SFM	633.128	69A-37.060	Certification as an Approved Firefighter Recruit Training Facility	Standards for the approval, denial of approval, probation, suspension, and revocation of approval of education or training providers and facilities	Ensures that firefighter students have high quality instructors and facilities to learn from and attend.

¹ Ch. 633, Fire Prevention and Control, was substantially rewritten during the 2013 Legislative Session. As a result, a number of the State Fire Marshal (SFM) rules are being changed. To prevent accidental omissions, the list of SFM 2013-2014 rules includes those rules that may exist in some form or in separate places but are now being revised.

SFM	633.128	new	N/A	Standards for the certification, denial of certification, probation, and revocation of certification for instructors	Provides for assurance of quality and reliability for students.
SFM	633.132	new	Fees	Fees. Certificate of compliance, certificate of competency = \$30; Renewal fee for either = \$15	Rule needed but no change to existing fees.
SFM	633.138	new	N/A	Requirement that individual issued a certificate shall notify division in writing of any changes to mailing address, email address, and place of practice as specified by rule	Benefits Florida firefighters and citizens by maintaining a complete and accurate database.
SFM	633.444	new	N/A	Requirement to approve and register in an electronic database an education or training provider	Benefits include the requirement to keep the database up-to-date; previously only recommended.
SFM	633.128	new	N/A	Establish for the approval of education or training providers – including course taught	Benefits students by ensuring that the instructor has the necessary background to teach the class.
SFM	633.402	new	N/A	Firefighter Employment, Training, and Standards Council	Benefits fire service by adding a Forestry representative, thereby gaining another prospective from another certified firefighter discipline.

SFM	633.412	new	N/A	Criteria for suspension, revocation of all certifications if one is suspended or revoked	Formally outlines a currently used procedure in litigation.
SFM	633.518	new	N/A	Support of studies in firefighter employment, education, training, and recruitment	Amend rules to conform to changed legislation.
SFM	633.102	69A-62.0001	Definitions	Define "Hot Zone"	Provides parameters to identify a dangerous area where threat to bodily harm may occur if not properly managed. This benefits the public and emergency responders by providing critical information and guidelines to ensure safety.
SFM	633.102	69A-62.0001	Definitions	Define "Support Services"	Provides definition of "Training commensurate to duty" allowing trained, but not certified, fire personnel to effectively function on emergencies in limited roles. Benefits include excluding untrained responders and others from dangerous situations and outlining training required for involvement.

SFM	633.102	69A-62.0001	Definitions	Define "Volunteer Firefighter"	Includes volunteer firefighters as state firefighters. Benefits include formal title achievement that requires specific training to provide for safe actions.
SFM	633.128	69A-37.059	Types of Instructor Certificates Issued	Instructor requires 40 hours of CEU every 4 years	Benefits include a process for instructors to remain current in their field of expertise.
SFM	633.216	69A-39.009	Triennial Renewal of Firesafety Inspector and Fire Code Administrator Certification	Inspector whose certification has lapsed for 8 years or more must repeat the inspector training	Benefits include a standard for ensuring that inspectors remain current in their field of expertise.
SFM	633.104	new	Statute - State Fire Marshal; authority	Felony language for inspector	Benefits community and business owners by ensuring high standards for those who inspect properties.
SFM	633.416	new	N/A	Employers to use diligent effort to confirm firefighter certifications	Benefits employers who may otherwise choose unqualified firefighters for employment.
SFM	633.406	69A-37.050	Types of Training Certificates Issued	Update terms and language of "classes of certification" to be consistent with statute	Benefits include actual certification programs, not just type of certifications available.
SFM	633.406	69A-37.064	Florida State Fire College	Introduce new programs/ certificate of competency for Hazmat and FLUSAR	Provides programs areas as well as objectives of the Fire College. Also provides authority to add programs.

SFM	633.406	69A-37.054	Out of State Training – Certificate of Compliance; Special Certificate of Compliance	Update “special certificate of compliance” language	Provides clarity regarding the duties and scope of the Special Certificate of Compliance.
SFM	633.126	69A-37.036	Determination of Moral Character	Felony language for firefighter	Adds additional felony restrictions to match public expectations and job expectations.
SFM	633.414	69A-37.0527	Retention of Certification	Update retention of firefighter options (retention class, instructor with 40 hrs of instruction in 4 years)	Provides benefit of 4 years for recertification, currently at 3, lessening workload for state and lessening requirement for firefighter. Instructors can retain firefighter certification with 40 hours of instruction in 4 years, currently must have full-time employment, be a volunteer for 6 continuous months or recertify.
SFM	633.414	69A-37.0527	Retention of Certification	Firefighter renewal to 4 years	Changes retention timeframe from 3 to 4 years thus benefitting firefighter and state workload.
SFM		69A-37.0527	Retention of Certification	Maintenance of Volunteer Firefighter Certificate of Completion	
SFM	633.412	69A-39.009	Triennial Renewal of Firesafety Inspector and Fire Code Administrator Certification	Inspector CEU to 4 years with 54 hours	No change here in CEU requirements, simply changes from 40 CEU’s in 3 years to 54 CEU’s in 4.

SFM		69A-62.0001	Definitions	Definition of "employ"	Benefits by further defining employ, currently not defined.
SFM	633.504	69A-62.0001	Definitions	Definition of "firefighter employee"	Updated to comply with "employ" definition.
SFM		69A-37.065	Programs of Study and Vocational Courses	Fire Officer I-IV	
SFM	633.128	69A-37.055 and 69A-37.065	Curriculum Requirements for Training Firefighter Recruits or Firefighters	Minimum curricula requirements	Benefits by providing authority to clearly specify curricula requirements for firefighters.
SFM	633.518	69A-62.032	Division Inspection or Investigation	Safety related investigations	Amend rules to conform to changed legislation.
SFM	633.508	69A-62.033	Recordkeeping Responsibilities of Firefighter Employers	Safety related recordkeeping responsibilities	Amend rules to conform to changed legislation.
SFM	633.522	69A-62.001,002, and 004	Uniform Minimum Firefighter Employment Standards; Adoption of OSHA Standards	Safety related workplace standards	Amend rules to conform to changed legislation.
SFM	633.522	69A-62.043	Duties and Functions of the Safety Committee and Workplace Safety Coordinator	Safety committee guidelines	Amend rules to conform to changed legislation.
SFM	633.526	69A-62.045	Penalties	Safety related fines	Consolidation of fines
SFM	N/A	69A-37.065	Fire Investigator II Program	Update instructor requirements, establish examination for Fire Investigator II and establish accompanying task book	The rule benefits the student's ability to attend an accredited Fire Investigator II program.

Agent & Agency Services	§626.9541(1)(h)3	69B-210.010	Unlawful Inducements, Title Insurance	This rule will clarify the prohibitions of allowing a title insurance agent or agency from providing illegal inducements for the referral of title insurance business	The rule will assist in reducing the costs paid by consumers when a title agency pays a third party some type of compensation for referring the business to the agency. To offset this compensation, the title agency will increase the unregulated fees charged to the consumers in the transaction. This rule will also conform to the requirements of Real Estate Settlement Procedures Act (RESPA).
Agent & Agency Services	Yes. 626.2817, F.S.	69B-211.330	Timeline for Submissions.	This rule will clarify the timeliness requirements for submitting new applications and amended applications to the department.	This rule will assist in streamlining and speeding up the process of application approvals. Expectations are made clear and backlogs will be reduced.
Agent & Agency Services	Yes. 626.2817, F.S.	69B-211.340	Course Audits.	This rule will clarify the procedures for conducting audits of pre-licensing course offerings and other related course materials	This rule will help protect the public from unscrupulous activity in pre-licensing education by allowing the department to conduct such investigations of approved course offerings by education providers.

Agent & Agency Services	Yes. 626.2816, F.S.	69B-228.260	Timeline for Submissions.	This rule will clarify the timeliness requirements for submitting new applications and amended applications to the department.	This rule will assist in streamlining and speeding up the process of application approvals. Expectations are made clear and backlogs will be reduced.
Insurance Fraud	Not mandatory for this particular new rule. Rules are required by s. 626.9892(4), F.S., for this subject generally and have been adopted by the division.	69D-1.0011	Definitions	Rule will add definitions for terms used in rule chapter (e.g. "Anti-Fraud Reward Applicant" and "Value of Fraud")	To provide clarity
Insurance Fraud	Not mandatory.	69D-2.0021	Forms	Rule will list the forms that are incorporated by reference into the rule chapter. For example: <ol style="list-style-type: none"> 1. SIU Description Form 2. Anti-Fraud Plan Form 3. Suspected Fraud Referral Form 4. Annual Implementation and Compliance Form 	To provide clarity
Insurance Fraud	Mandatory. S.626.9895(5)(c)	69D-3	Procedures for the Automobile Insurance Fraud Strike Force	Rule will provide procedures for the operation of the Fraud Strike Force	Benefits the public because this will assist in combating automobile insurance fraud.
Accounting and Auditing	No. Section 717.124(7) SB464 (2013 Session)	69I-20.00211	Electronic Claim Submission	Provides definitions of key elements needed and process to submit a claim electronically	Benefits to Public-creates an efficient, timely, less costly process for submitting claims for unclaimed property.

Accounting and Auditing	No. S. 215.985(14) HB5401 (2013 Session)	69I-40.003	Florida Accountability Contract Tracking System (FACTS)	Provide a definition of "contract" as it pertains to s. 215.985 F.S.; provide posting requirements related to agencies adding certain contract information and documents to the contract tracking system (FACTS)	Benefits to Agencies- provides guidance regarding posting requirements for FACTS. Benefits to Public- provides transparency to state contracting and creates a mechanism to establishment and maintenance of a single system for tracking state contracts.
Workers' Compensation	440.49(9)(b)3. 440.51(2) 440.51(6)	There is no rule number currently	Assessments – Workers' Compensation Trust Fund (WCATF) and the Special Disability Trust Fund (SDTF)	The rule will formally establish the processes by which the Division of Workers' Compensation calculates, assesses, and collects assessments for both trust funds. It will establish definitions for net premiums, create forms for reporting premiums, and provide manual or electronic processes for carriers to pay assessments.	The Division of Workers' Compensation is required to collect assessments for both the SDTF and the WCATF from insurance companies, self-insurance funds, and individually self-insured employers. The rule will provide a clear means for carriers to report net premiums, calculate assessments owed, and pay assessments on a quarterly basis. Collecting WCATF assessments provides appropriate funding for the Workers' Compensation regulatory system. Collecting SDTF assessments provides the Division with the resources necessary to reimburse carriers for SDTF claims.