

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Branch Office Closing
 RULE NO.: 3C-105.407

PURPOSE AND EFFECT: To make the branch closing process less burdensome for financial institutions subject to the provisions of Section 658.26, Fla. Stat.

SUBJECT AREA TO BE ADDRESSED: Notification procedure regarding closure of a financial institution branch pursuant to Section 658.26, Fla. Stat.

SPECIFIC AUTHORITY: 655.012(3), 658.26(3)(e) FS.

LAW IMPLEMENTED: 655.012(3), 658.26(3), 655.013, 667.003 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., December 12, 2002

PLACE: Suite 526, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Pullen, Division of Banking, Department of Banking and Finance, Suite 636, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3C-105.407 Branch Office Closing.

The Department shall be notified in writing at least 30 days prior to the closing of an established branch office. Such notification shall include a statement that the financial institution's evidence of a board has approved resolution approving the closing and a copy of the notice that was sent to the customers of the branch office have been notified notifying them of the anticipated closing.

Specific Authority 655.012(3), 658.26(3)(e) FS. Law Implemented 655.012(3), 658.26(3), 665.013, 667.003 FS. History—New 7-27-81, Formerly 3C-13.071, 3C-13.0071, Amended 8-14-94, 4-15-98, _____.

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLES: Registration
 Fee Caps
 RULE NOS.: 3D-20.0020
 3D-20.00201

Procedures for Filing Claim 3D-20.0021

Proof of Ownership and Entitlement to Unclaimed Property 3D-20.0022

PURPOSE AND EFFECT: 3D-20.0020: Section 717.117(8), Florida Statutes (2002), requires that a private investigator, accountant or attorney must be registered with the Department in order to obtain social security numbers for the limited purpose of locating owners of unclaimed property. The purpose and effect of the proposed rule is to specify what must be filed with the Department in order to be registered pursuant to Section 717.117(8), Florida Statutes (2002).

3D-20.00201: The purpose and effect of the proposed rule is to clarify how the fee caps contained in Section 717.135, Florida Statutes, are to be applied. The fee caps are to be applied on a per contract basis rather than a per account basis.

3D-20.0021(1)(d): The purpose and effect of the proposed rule amendment is to incorporate by reference into the Department's rules the notices that are sent to claimants whose claims are incomplete. The notices assist the Department in its efforts to obtain information which may result in the approval of the claim.

3D-20.0021(11)(a)3.: The purpose and effect of the proposed rule amendment is to clarify how the contents of safe deposit boxes are to be shipped to owners or to the owner's representative. As an alternative to picking up the contents of a safe deposit box valued at ten thousand dollars (\$10,000) or more, the owner or owner's representative (if authorized by the owner to receive the contents of a safe deposit box) must provide the Department with credit card information or common carrier account information so that the Department may arrange for the shipping of the contents of the safe deposit box at the expense of the owner or owner's representative. The credit card information or common carrier account information will not be needed if the value of the contents of the safe deposit box is less than ten thousand dollars (\$10,000) and a common carrier will accept delivery.

3D-20-20.0022(3): The purpose and effect of the proposed rule amendment is to clarify what is required to be filed if the owner of the unclaimed property is deceased. For aggregate unclaimed property amounts of over \$5,000.00, the decedent's estate must be probated unless the decedent's estate has been previously administered. If the estate has been previously administered, the claim must include a certified copy of a court order which identifies the recipients of the decedent's property and their percentage interest in the estate. If such an order is not available, the claimant must submit a copy of documents from the probate court file from which the identity and proportional entitlement of each can be determined. For aggregate unclaimed property amounts of \$5,000.00 or less, Form DBF-UP-1243, Estate Affidavit, may be used regardless of whether the decedent's estate has been probated in the past.

3D-20.0022(3)(a)3.a., Form DBF-UP-1243, Estate Affidavit: The purpose and effect of the proposed rule amendment is to modify the Estate Affidavit so that the claimant will specify how the recipient takes under the intestacy statutes. The claimant will also be required to state that all persons who are listed before the claimant, as being entitled to the decedent's estate under the applicable intestacy statute recipients, are deceased.

3D-20.0022(5)(c): The purpose and effect of the proposed rule amendment is first to clarify that the claimant must prove a connection to the dissolved corporation and, second, to specify what must be filed with the Department when filing a claim for unclaimed property owned by a dissolved corporation. As an alternative to filing a certified copy of the last corporate filing reflecting the officers and directors of the corporation, the claimant must provide the Department with the state of incorporation's web site address if the same information is available on the Internet site. As an alternative to a bankruptcy search, the claimant must provide the Department with the results of a Case Management/Electronic Case Files (CM/ECF) search, if available, or a Public Access to Court Electronic Records (PACER) search, in the bankruptcy court of the state and district of incorporation and where the main office is located, if different. The claim must provide the results of a CM/ECF or a PACER search by both the corporate name and by tax identification number. The rule amendments also require bankruptcy information to be provided if the dissolved corporation has been a debtor in bankruptcy. If the bankruptcy estate is open or if the bankruptcy estate is reopened, the unclaimed property will be remitted to the bankruptcy estate.

SUBJECT AREA TO BE ADDRESSED: 3D-20.0020: Registration of private investigators, accountants and attorneys pursuant to Section 717.117(8), Florida Statutes (2002). 3D-20.00201: Unclaimed property fee limitations. 3D-20.0021(1)(d): Unclaimed property claims processing. 3D-20.0021(11)(a)3.: Shipping of contents of safe deposit boxes to owners or to the owner's representative. 3D-20.0022(3): Filing claims for unclaimed property owned by decedents. 3D-20.0022(3)(a)3.a.: Form DBF-UP-1243, Estate Affidavit. 3D-20.0022(5)(c): Filing claims for unclaimed property owned by dissolved corporations.

SPECIFIC AUTHORITY: 717.138 FS.

LAW IMPLEMENTED: 717.117, 717.1201, 717.124, 717.125, 717.126, 717.135 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Wednesday, December 18, 2002

PLACE: Suite 547, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Paul C. Stadler, Jr., Assistant General Counsel, Department of Banking and Finance, Suite 526, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida 32399-0350, (850)410-9896

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-20.0020 Registration.

Section 717.117(8), Florida Statutes, requires that a private investigator, accountant or attorney must be registered with the Unclaimed Property Bureau in order to obtain social security numbers for the limited purpose of locating owners of unclaimed property.

(1) To register with the Unclaimed Property Bureau:

(a) A private investigator must provide:

1. A legible copy of his or her Florida Class "A" business license or that of his or her employer;

2. A legible copy of his or her Florida Class "C" individual license;

3. His or her business address and telephone number; and

4. The names of employees, if any, who are authorized to act on behalf of the private investigator.

(b) A certified public accountant must provide:

1. His or her Florida Board of Accountancy number;

2. His or her business address and telephone number; and

3. The names of employees, if any, who are authorized to act on behalf of the certified public accountant.

(c) An attorney must provide:

1. His or her Florida Bar number. If the attorney is not admitted to the Florida Bar, the attorney must provide the address and telephone number of each bar for each jurisdiction where he or she is admitted to practice along with the bar number for each jurisdiction;

2. His or her business address and telephone number; and

3. The names of employees, if any, who are authorized to act on behalf of the attorney.

(2) A private investigator, accountant or attorney who desires his or her fees sent directly to him or her by the Unclaimed Property Bureau must also provide his or her tax identification number.

(3) Information and documents already on file with the Unclaimed Property Bureau prior to the effective date of this rule need not be resubmitted in order to complete the registration.

(4) If a material change in the status of a registration occurs, a registrant must within 15 days provide the Unclaimed Property Bureau with the updated documentation and information in writing. Material changes include, but are not limited to the following:

(a) If an authorized employee of a registrant ceases to be employed by the registrant, the registrant must within 15 days inform the Bureau in writing of the termination of employment.

(b) If a registrant surrenders his or her license or the license is suspended or revoked, the registrant must within 15 days inform the Bureau in writing of the surrender, suspension, or revocation. Upon the suspension, or revocation of the registrant's license, the registrant shall no longer be registered with the Bureau.

(c) If a Florida Class "C" individual license of a private investigator, or if a Florida Class "A" business license of a private investigator's employer, is renewed, the private investigator must provide a copy of the renewed license to the Bureau within 30 days of the receipt of the renewed license by the private investigator or the private investigator's employer.

Specific Authority 717.138 FS. Law Implemented 717.117, 717.124, 717.135 FS. History—New _____.

3D-20.00201 Fee Caps.

(1) Pursuant to Section 717.135, F.S., an Owner's Representative may elect to either have fee caps apply to a contract to recover unclaimed property or make the Section 717.135(1)(b), F.S., disclosures to the owner. If the Owner's Representative elects to have the fee caps apply, the fee caps will be applied on a per contract basis rather than on a per account basis. The per contract application requires that all accounts be aggregated in order to determine whether the value of the contract is \$250.00 or greater. If the aggregate value of the accounts is less than \$250.00, the fees must be limited to the lesser of the aggregate value of the unclaimed property or \$25.00. If the aggregate value of the accounts is \$250.00 or more, the fees must be limited to 15 percent on property held by the Department for 24 months or less and to 25 percent on property held by the Department for more than 24 months.

(2)(a) Example One. The Department has held unclaimed property of a value of \$200.00 more than 24 months in an unclaimed property account for an owner. The Department has also held unclaimed property of a value of \$1,000.00 for more than 24 months in a second account for the same owner. The Owner's Representative has entered into a contract for the recovery of unclaimed property with the owner. The two accounts must be aggregated in order to determine whether the value of the contract is \$250.00 or greater. The aggregate value of both accounts is \$1,200.00. The fees of the Owner's Representative must be limited to 25 percent on property held by the Department in both accounts. This amount is \$300.00.

(b) Example Two. The Department has held unclaimed property of a value of \$200.00 for 24 months or less in an unclaimed property account for an owner. The Department has

also held unclaimed property of a value of \$100.00 for 24 months or less in a second account for the same owner. The Owner's Representative has entered into a contract for the recovery of unclaimed property with the owner. The two accounts must be aggregated in order to determine whether the value of the contract is \$250.00 or greater. The aggregate value of both accounts is \$300.00. The fees of the Owner's Representative must be limited to 15 percent on property held by the Department in both accounts. This amount is \$45.00.

(c) Example Three. The Department has held unclaimed property of a value of \$120.00 for 24 months or less in an unclaimed property account for an owner. The Department has also held unclaimed property of a value of \$100.00 for more than 24 months in a second account for the same owner. The Owner's Representative has entered into a contract for the recovery of unclaimed property with the owner. The two accounts must be aggregated in order to determine whether the value of the contract is \$250.00 or greater. The aggregate value of both accounts is \$220.00. The total amount of fees due to the Owner's Representative must be limited to \$25.00.

(d) Example Four. The Department has held unclaimed property of a value of \$220.00 for 24 months or less in an unclaimed property account for an owner. The Department has also held unclaimed property of a value of \$40.00 for more than 24 months in a second account for the same owner. The Owner's Representative has entered into a contract for the recovery of unclaimed property with the owner. The two accounts must be aggregated in order to determine whether the value of the contract is \$250.00 or greater. The aggregate value of both accounts is \$260.00. The fees of the Owner's Representative must be limited to 15 percent on property held by the Department 24 months or less in the first account. This amount is \$33.00. The fees of the Owner's Representative must be limited to 25 percent on property held by the Department for more than 24 months in the second account. This amount is \$10.00. The total amount of fees due to the Owner's Representative must be limited to \$43.00.

(3) This rule does not apply to unclaimed property that is owned by a decedent's estate or a person who is subject to a guardianship.

Specific Authority 717.138 FS. Law Implemented 717.135 FS. History—New _____.

3D-20.0021 Procedures for Filing Claim.

(1) Claims Submission. Claims for unclaimed property in the custody of the Department pursuant to Chapter 717, F.S., shall be submitted to the Department on the form(s) prescribed and supplied by the Department, together with documentation supporting the claim. All forms referenced in this rule are

available from and shall be submitted to: The Department of Banking and Finance, Bureau of Unclaimed Property, Tallahassee, Florida.

(a) The Department will only accept and review claims that are complete.

(b) A complete claim shall include the correct claim form identified in this rule, fully completed with all blanks filled in and manually signed by all claimants, and all supporting documentation as described and required by this rule, and Rule 3D-20.0022, F.A.C.

(c) Claims meeting the requirements of paragraph (b) above shall be deemed complete.

(d) Incomplete claims delivered to the Department will be returned to the claimant with a notice letter describing the additional documentation that must be submitted to make the claim complete. The notices are Form DBF-UP-106a, Unclaimed Property Request for Further Information (Original Owner), Form DBF-UP-106b, Unclaimed Property Request for Further Information (Business), Form DBF-UP-107a, Unclaimed Property Request for Further Information (Other Than Apparent Owner), and Form DBF-UP-108a, Unclaimed Property Request for Further Information (Owner's Representative), which are hereby incorporated by reference, effective _____.

(e) The claim may be refiled at any time.

(2) through (11)(a)2. No change.

3. Tangible Personal Property.

a. If the property ~~is valued at has a value of~~ less than ten thousand dollars (\$10,000), and ~~can if it will~~ be accepted for delivery by a common carrier, the property will be shipped ~~mailed~~ to the owner at the address listed on the claim.

b. If the property ~~is valued at has a value of~~ ten thousand dollars (\$10,000) or ~~more greater~~, or ~~the property cannot it will~~ ~~not~~ be accepted for delivery by a common carrier, the Department will advise the owner of the award by letter, and make the property available for pickup during normal business hours at the Department's offices in Tallahassee, Florida.

i. The owner must produce the award letter and a personal picture identification in order to claim the property at the Department's Tallahassee address.

ii. Anyone other than the owner must produce the award letter, written authorization to receive the property signed by the owner and notarized, and personal picture identification in order to receive the property at the Department's Tallahassee address.

iii. Receipt of the property must be acknowledged in writing by the person receiving the property ~~by a signed receipt~~.

iv. If the property is not collected at the Department's Tallahassee office within ninety (90) days of the date on the award letter, it may be offered for sale at the next auction and the proceeds delivered the same as cash in paragraph (11)(a) above.

c. As an alternative to paragraph (11)(a)3.b. above, the owner must either arrange with a common carrier to pick up the property during normal business hours at the Department's offices in Tallahassee, Florida, or request that the property be shipped by the Department to the address listed on the claim by common carrier at the owner's expense. The owner's communications with the Department regarding how the property is to be delivered to the owner must be in writing. If the property is to be shipped by the Department, the owner must provide the Department with:

i. The owner's credit card information or common carrier account information, and

ii. A statement identifying the amount of insurance coverage authorized to be purchased for the property or a statement that the owner does not desire the property to be insured.

(b) Payment and Delivery of Claims filed by Owner's Representative.

1. Cash – Payment of cash will be made to owners by warrant, net of the Owner's Representative's fees, and mailed to the owner. Payment of fees to Owner's Representatives will be made electronically at least twice a month provided a completed Form DBF-AA-26E, incorporated by reference in Rule 3A-22.002, F.A.C., is provided.

2. Securities – The Department will liquidate all securities issues that can be sold as soon as practicable, unless the security cannot be sold due to market liquidity, current valuation or ongoing corporate activity. Payment will be provided as follows:

a. If the securities have been liquidated, payment of the cash proceeds will be made as set forth in subparagraph (11)(b)1. above.

b. Certificated securities that cannot be sold due to market liquidity, current valuation or ongoing corporate activity will be registered in the name of the owner and mailed to the Owner's Representative with notice to the owner.

c. If the security can be certificated and delivery of the certificate is requested, in writing, by the owner and the Owner's Representative, the security will be registered in the owner's name and the certificate will be mailed to the Owner's Representative with notice to the owner.

d. Non-certification securities that cannot be sold due to market liquidity, current valuation, or ongoing corporate activity will be registered in the name of the owner and transferred electronically to an owner's brokerage or mutual fund account, if the information required by the securities industry is provided at the time the claim is filed. Such information could include the broker or agent's DTC number (Depository Trust Corporation), ABA number (American Banker Association), the owner's account number and account registration. If such information is not available at the time the claim is to be paid, written notice will be provided to the Owner's Representative, who must provide the information.

The security for which such information is required will not be paid until the information is provided. When the security is paid, the owner and the Owner's Representative will receive written notice of the transfer.

e. Securities that cannot be electronically transferred to a brokerage or mutual fund account, but can be certificated, will be registered in the name of the owner. The certificate will be mailed to the Owner's Representative, with written notification to the owner.

f. Securities that cannot be sold, electronically transferred, or certificated, will not be paid. Written notice will be provided to the owner and the Owner's Representative.

g. All securities will be registered according to industry standards.

3. Tangible Personal Property.

a. If the owner has not authorized the owner's representative to receive the property, the property shall be delivered to the owner in accordance with subparagraph (11)(a)3. above. If the owner has authorized the owner's representative to receive property valued at less than ten thousand dollars (\$10,000) that can be accepted for delivery by a common carrier, the property will be shipped to the owner's representative at the address listed on the claim.

b. If the owner has authorized the owner's representative to receive property valued at ten thousand dollars (\$10,000) or more, or the property cannot be accepted for delivery by a common carrier, the Department will advise the owner's representative of the award by letter, and make the property available for pickup during normal business hours at the Department's offices in Tallahassee, Florida.

i. Anyone authorized to act on behalf of the owner's representative must produce personal picture identification in order to receive the property at the Department's Tallahassee address.

ii. Receipt of the property must be acknowledged in writing by the person receiving the property.

iii. If the property is not collected at the Department's Tallahassee office within ninety (90) days of the date on the award letter, it may be offered for sale at the next auction and the proceeds delivered the same as cash in paragraph (11)(b) above.

c. As an alternative to sub-subparagraph (11)(b)3.b. above, the owner's representative must either arrange with a common carrier to pick up the property during normal business hours at the Department's offices in Tallahassee, Florida, or request that the property be shipped by the Department to the address listed on the claim by common carrier at the expense of the owner's representative. All communications by the owner's representative with the Department regarding how the property is to be delivered to the owner's representative must be in writing. If the property is to be shipped by the Department, the owner's representative must provide the Department with:

i. The credit card information or common carrier account information of the owner's representative, and

ii. A statement identifying the amount of insurance coverage authorized to be purchased for the property or a statement that the owner's representative does not desire the property to be insured.

Specific Authority 717.138 FS. Law Implemented 92.525, 717.1201, 717.124, 717.125, 717.126, 717.135 FS. History—New 3-20-91, Amended 3-13-96, 8-18-96, 1-28-97, 1-18-99, 4-16-02, _____.

3D-20.0022 Proof of Ownership and Entitlement to Unclaimed Property.

(1) through (2) No change.

(3) Claims by Beneficiaries or Estates.

(a) If the apparent owner is deceased, the claim must include a certified copy of the decedent's death certificate, as well as the following:

1. Open Estates – Records, certified by the clerk of court within one (1) year of the date of filing the claim with the Department, reflecting the personal representative's right to act for the estate of the apparent owner.

2. Closed Estates – A certified copy of a Attach a probate court order, certified by the clerk of court within one (1) year of the date of filing of the claim with the Department, identifying the beneficiaries and the proportional entitlement of each to the estate. If a court order, identifying the beneficiaries and the proportional entitlement of each to the property of the estate is not available, the claimant must submit those documents from the probate court file from which this information may be determined. Typically, this information may be obtained from the decedent's will, if one exists, and the Order admitting the will to probate; the Petition for Probate; or the Petition for Discharge with exhibits. If any such combination of documents is submitted, they must be accompanied by a copy of the Order of Discharge. In no event is the will standing alone, sufficient.

3. Unclaimed Property with Aggregate value of \$5,000.00 or Less. If all Will Never Probated — If an owner died with a will, but the will was not probated, and

a. All of the unclaimed property held by the Department on behalf of a deceased the owner has an aggregate value of \$5,000 or less, as an alternative to subparagraph (3)(a)2., the claimant may file a A copy of the will, if the decedent had a will, and an affidavit signed by all the beneficiaries stating that all the beneficiaries have amicably agreed upon a division of the estate, that no probate proceedings are pending for the estate, and that all funeral expenses, expenses of the last illness and other lawful claims have been paid. The affidavit shall be submitted on Form DBF-UP-1243, Estate Affidavit, effective _____ revised 10/1/01, which is hereby incorporated by reference and available from the Department of Banking and Finance, Bureau of Unclaimed Property, Tallahassee, Florida. No partial payments shall be made.

~~b. If the aggregate value of the unclaimed property held by the Department is more than \$5,000, a probate estate administration must be opened and a current certified copy of a court order identifying either the personal representative, or, in the case of a summary administration, the beneficiaries and the proportional share of each to the estate, must be submitted to the Department.~~

~~4. No Will and No Administration.~~

~~a. All of the unclaimed property held by the Department on behalf of the owner has an aggregate value of \$5,000 or less and the estate was never probated, a beneficiary may file an affidavit signed by all the beneficiaries, stating that all the beneficiaries have amicably agreed among themselves upon a division of the estate, that no probate proceedings have been instituted upon the estate, and that all funeral expenses, expenses of the last illness, and any other lawful claims have been paid. The affidavit shall be submitted on Form DBF-UP-1243. No partial payments shall be made.~~

~~b. If the aggregate value of the unclaimed property held by the Department is \$5,000 or more, a probate administration must be opened and a certified copy of a court order identifying either the personal representative or, in the case of a summary administration, the beneficiaries and their proportional interests in the estate must be submitted to the Department.~~

~~(4) through (5)(b) No change.~~

~~c.1. If the unclaimed business account is that of a dissolved corporation, the claimant must specify the corporation's state of incorporation and its last principal business address. The claimant must provide a certified copy of the last corporate filing identifying the officers and directors of the corporation. This document must be obtained if the unclaimed business account is for a dissolved corporation, then certification from an appropriate authorized state official of the state of incorporation, certified within one (1) year of the filing of the claim, shall be provided to the Department to reflect the last corporate filing. A certified copy of the last corporate filing shall not be required if:~~

~~a. The officers and directors of the dissolved corporation are identified in the last corporate filing on the Internet site for the Florida Department of State; or~~

~~b. The claimant furnishes to the Department a uniform resource locator (U.R.L.) for the address of a free Internet site operated by the state of incorporation of the dissolved corporation that provides access to the last corporate filing identifying the officers and directors of the dissolved corporation.~~

~~c. The claimant must furnish the Department with a printout from the relevant Internet site identifying the officers and directors of the dissolved corporation.~~

~~2. The Appropriate evidence shall be provided must demonstrate to reflect that the dissolved corporation is the same corporation as shown on the Department's records. The~~

~~and appropriate evidence must demonstrate that shall be provided to reflect the claimant is entitled to all or a proportional share of the dissolved corporation or that the claimant is an officer or director of the corporation. It is not sufficient that the claimant has the same name as that of an officer or director of the dissolved corporation. The claimant must demonstrate a connection to the dissolved corporation. Subsection (5)(b)4. herein provides examples of documents which may establish a connection between the claimant and the dissolved corporation.~~

~~3. A claim for an unclaimed business account of a dissolved corporation must include a photographic identification showing the full name and current address for the officer, director or shareholder on whose behalf the claim is filed.~~

~~4. A claim for an unclaimed business account of a dissolved corporation must state whether the dissolved corporation has ever been a debtor in bankruptcy. If the dissolved corporation has ever been a debtor in bankruptcy, the claimant must identify the bankruptcy chapter under which the bankruptcy case proceeded. The claimant must also identify the location of the bankruptcy court, the case number, and the address and telephone number of the Office of the U.S. Trustee in that jurisdiction. If no bankruptcy proceedings of the dissolved corporation are known, the claimant must so state and must either provide the results of a bankruptcy court web site Case Management/Electronic Case Files (CM/ECF) search, if available, or a Public Access to Court Electronic Records (PACER) search. The CM/ECF or PACER search must be conducted in the bankruptcy court of the state and district of incorporation and where the main office is located, if different. The claim must provide the results of both a search by corporate name and a search by tax identification number for the state and district of incorporation and the location of the main office, if different. As an alternative to the CM/ECF or PACER search, the claimant must provide a completed United States Bankruptcy Court Application for Search of Bankruptcy Records shall be provided to the Department from the state and district of incorporation, and from the district where the main office is located, if different.~~

~~5. The Office of the U.S. Trustee will be contacted by the Department if the dissolved corporation was a debtor in a closed Chapter 7 bankruptcy case and the aggregate value of the unclaimed property is greater than \$1,000.00. If the bankruptcy case is reopened, the unclaimed property will be remitted to the bankruptcy trustee.~~

~~6. Any unclaimed property will be remitted to the bankruptcy trustee for a corporation in a pending bankruptcy case unless the debtor is in possession of the bankruptcy estate. If the debtor is in possession of the bankruptcy estate, the unclaimed property will be remitted to the debtor corporation. Personal identification shall be provided as specified in subsection (2) of this rule.~~

Specific Authority 717.138 FS. Law Implemented 92.525, 717.124, 717.126 FS. History--New 3-20-91, Amended 3-13-96, 8-18-96, 1-28-97, 1-18-99, 4-16-02, _____, Cf. 11 U.S.C. s. 542

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Conversion Procedures
RULE NO.: 3F-5.007
PURPOSE AND EFFECT: The Board proposes to update this rule to clean up obsolete language.
SUBJECT AREA TO BE ADDRESSED: Conversion procedures.
SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.201, 497.213 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Uniform Minimum Firefighter Employment Standards
RULE CHAPTER NO.: 4A-62
RULE TITLES: PART I: ADOPTION OF UNIFORM FIREFIGHTER EMPLOYMENT STANDARDS

- Firefighter Employment Standards; Adoption of OSHA Standards 4A-62.001
- Uniform Minimum Firefighter Employment Standards; Adoption of National Fire Protection Association Standards 4A-62.002
- Firefighter Employment Standards; Adoption of 19 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two 4A-62.003
- Presence of Toxic Substances; Notice to Fire Departments 4A-62.004
- Exemption from 29 Code of Federal Regulations, Section 1910.134(g)(4) 4A-62.005
- Definitions 4A-62.006
- PART II: WORKPLACE SAFETY AND HEALTH PROGRAMS**
- Definitions 4A-62.020
- Program Submission and Approval 4A-62.021

- Firefighter Employer Comprehensive Safety and Health Program 4A-62.022
- Criteria for Identifying Firefighter Employers With a High Frequency or Severity of Injuries 4A-62.023
- PART III: SAFETY AND HEALTH COMPLIANCE**
- Definitions 4A-62.030
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PURPOSE AND EFFECT: The purpose of these rules is update existing rules based on statutory revisions and to implement Sections 633.801-633.821, Florida Statutes, as mandated by the Legislature in those sections. The effect of these rules is to provide for firefighter workplace safety and health programs and requirements for safety and health compliance by firefighter employers and firefighter employees.

SUBJECT AREAS TO BE ADDRESSED: The subject areas to be addressed are firefighter occupational safety and health standards, toxic substances in workplaces where firefighters may respond to emergencies, firefighter employer comprehensive safety and health programs, identification of firefighter employers with high frequency of severity of injuries and programs to assist them, workers compensation insurance providers safety and health programs as they relate to firefighters and firefighter employers, inspections and investigations of firefighter employers places of operation, notices of violations, procedures relating to statutorily established penalties, complaint investigations, recordkeeping responsibilities, safety training, safety committees, and firefighter employer evaluations.

SPECIFIC AUTHORITY: 633.45(1)(a), 633.804, 633.805, 633.806, 633.808, 633.809, 633.810, 633.811, 633.816, 633.821 FS.

LAW IMPLEMENTED: 633.802, 633.803, 633.804, 633.805, 633.806, 633.807, 633.808, 633.809, 633.810, 633.811, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, 633.821 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 1:00 p.m., December 16, 2002

PLACE: Fire Rescue Training Room, City of Sunrise Public Safety Headquarters, 10440 West Oakland Park Blvd., Sunrise, Florida

TIME AND DATE: 9:00 a.m., December 17, 2002

PLACE: Shady Oaks Community Center, 3300 Marion Street, Fort Myers, Florida

TIME AND DATE: 10:00 a.m., December 19, 2002

PLACE: 11655 N.W. Gainesville Road, Ocala, Florida

TIME AND DATE: 8:00 a.m., December 20, 2002

PLACE: Room 116, Larson Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dave Casey, Chief, Bureau of Fire Standards and Training, 11655 N.W. Gainesville Road, Ocala, Florida, phone (352)369-2800

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this workshop should contact Angie Cain at the Florida State Fire College no later than 48 hours prior to the meeting or workshop by calling (352)369-2800.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

PART I: ADOPTION OF UNIFORM MINIMUM FIREFIGHTER EMPLOYMENT STANDARDS

4A-62.001 Firefighter Employment Standards; Adoption of OSHA Standards.

No change.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History--New 11-21-01.

4A-62.002 Uniform Minimum Firefighter Employment Standards; Adoption of National Fire Protection Association Standards.

No change.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History--New 11-21-01.

4A-62.003 Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two.

(1) through (2) No change.

(3)(a) No firefighter or any other person at the scene of a fire is permitted to participate in any operation involving two-in, two-out, as defined in this rule chapter, as one of the two or more persons inside the IDLH atmosphere or as one of the two or more persons outside of the IDLH atmosphere unless such firefighter or other person at the scene of a fire has successfully taken and completed the Firefighter I training program established in subsections (1) and (2) of Rule 4A-37.055, F.A.C. Such training shall consist of 160 hours of the training described in subsection (6) of Rule 4A-37.055.

F.A.C. This requirement specifically applies to volunteer fire departments and volunteer firefighters, but is also applicable to any other person at the scene of a fire.

(b) A violation of this subsection may result in the Division taking any action permissible under Chapter 633, Florida Statutes, against the offending party, regardless of whether the offending party is:

1. An individual person,

2. A firefighter employer as defined in Section 633.802, Florida Statutes,

3. A volunteer fire department, or

4. Any municipality, county, or special district

a. Employing firefighters as defined in Section 633.30, Florida Statutes, or b. Using or supporting the use of volunteer firefighters.

~~With respect to 29 C.F.R. Section 1910.134(g)(4), the two individuals located outside the immediately dangerous to life and health atmosphere may be assigned to an additional role, such as incident commander, pumper operator, engineer, or driver, so long as such individual is able to immediately perform assistance or rescue activities without jeopardizing the safety or health of any firefighter working at an incident. Also with respect to 29 C.F.R. Section 1910.134(g)(4):~~

~~(a) Each county, municipality, and special district shall implement such provision by April 1, 2002, except as provided in paragraphs (b) and (c).~~

~~(b) If any county, municipality, or special district is unable to implement such provision by April 1, 2002, without adding additional personnel to its firefighting staff or expending significant additional funds, such county, municipality, or special district shall have an additional six months within which to implement such provision. Such county, municipality, or special district shall notify the Division that the six month extension to implement such provision is in effect in such county, municipality, or special district within 30 days of its decision to extend the time for the additional six months. The decision to extend the time for implementation shall be made prior to April 1, 2002.~~

~~(c) If the extension granted in Paragraph (b) expires, and the county, municipality, or special district, after having worked with and cooperated fully with the Division is still unable to implement 29 C.F.R. Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds, such municipality, county, or special district shall be exempt from the requirements of 29 C.F.R. Section 1910.134(g)(4). Each year thereafter the Division shall review each exempt county, municipality, or special district to determine if such county, municipality, or special district has the ability to implement 29 C.F.R. Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds. If the Division determines that any county, municipality, or special district has the ability to implement 29~~

~~C.F.R. Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds, the Division shall require such county, municipality, or special district to implement such provision. Such requirement by the Division under this paragraph constitutes final agency action subject to Chapter 120, Florida Statutes.~~

(4) In addition to the prohibition in subsection (3), no firefighter employer, regardless of whether such firefighter employer employs firefighters certified under Section 633.34, Florida Statutes, or uses volunteer firefighters, is permitted to allow any firefighter or other person at the scene of a fire to participate in any activity which results from any standard adopted pursuant to the authority in Sections 633.801-633.821, Florida Statutes, unless such firefighter or other person at the scene of a fire has successfully taken and completed the Firefighter I training program established in subsections (1) and (2) of Rule 4A-37.055, F.A.C. Such training shall consist of 160 hours of the training described in subsection (6) of Rule 4A-37.055, F.A.C. This requirement specifically applies to volunteer fire departments and volunteer firefighters, but is also applicable to any other person at the scene of a fire.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History—New 11-21-01, Amended _____.

4A-62.004 Presence of Toxic Substances; Notice to Fire Departments.

(1) through (14) No change.

(15)(a) The list of toxic substances that is maintained by the Department of Community Affairs dated xxx, and has been adopted in Rule 9 - . . . , F.A.C., is hereby adopted and incorporated by reference.

(b) The list of toxic substances adopted in paragraph (a) may be obtained by contacting the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

~~(15) List of toxic substances: [Extensive list of toxic substances will be inserted and struck through in the Notice of Hearing and deleted in the rules filed for adoption].~~

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History—New 11-21-01, Amended _____.

4A-62.005 Exemption from 29 Code of Federal Regulations, Section 1910.134(g)(4).

No change.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History—New 11-21-01.

4A-62.006 Definitions.

Unless the text or context clearly requires otherwise, the definitions in Section 633.802, Florida Statutes, are applicable to this rule chapter. In addition, for purposes of this rule chapter, the following definitions apply:

(a) “Act” means Sections 633.801-633.821, Florida Statutes.

(b) “IDLH” or “IDLH atmosphere” means an atmosphere which is immediately dangerous to life and health.

(c) “Two-in, two-out rule” or “two-in, two-out” means and refers to 29 C.F.R. 1910.134(g)(4), Including Notes One and Two, as modified by Section 633.821(3), Florida Statutes.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History—New _____.

PART II: WORKPLACE SAFETY AND HEALTH PROGRAMS

4A-62.020 Definitions.

Unless otherwise specified herein for purposes of this rule chapter the definitions of the terms contained in Section 440.02, Florida Statutes, shall apply. For the purposes of Part II of this rule chapter, unless the context clearly requires otherwise, the following definitions shall also apply:

(1) “Division” means the Division of State Fire Marshal of the Department of Insurance of the State of Florida.

(2) “Firefighter Employee Safety and Health Training Program” means a written training program developed by a carrier, individual self-insurer, self-insurance fund, or firefighter employer or a combination thereof for a firefighter employer’s implementation when the firefighter employer has been identified as having a high frequency or severity of injuries or workers’ compensation insurance claims that is higher than the average for firefighter employers and includes any safety and health program which has been adopted by a firefighter employer. It shall serve as a guide to safe work practices for firefighter employees.

(3) “Firefighter employer” means a “firefighter employer” as defined in Section 633.802(4), Florida Statutes.

(4) “Firefighter Employer Comprehensive Safety and Health Program” means a particular written plan developed from a “Workplace Safety and Health Program” provided by an insurance carrier, group self-insurance fund, individual self-insurer, or by an individual firefighter employer. It is designed to ensure that the firefighter employer has a structured and integrated safety and health management program within its organization which is specifically designed to reduce or control the hazards of the firefighter employer’s workplace and the frequency of workplace injuries and occupational diseases.

(5) “Frequency” means the number of workplace injuries and occupational diseases reported to the Division of Workers’ Compensation, occurring over a one-year period, and resulting in lost time cases pursuant to the Florida Workers’ Compensation Law.

(6) “Frequency Rate” means the figure which results after using the formula for determining the frequency rate provided in Rule 4A-62.023, F.A.C.

(7) “Lost Time Cases” means injuries or illnesses which result in the firefighter employee being unable to work for more than seven (7) days.

(8) “OSHA” means the Occupational Safety and Health Administration as created by the Occupational Safety and Health Act of 1970, 29 U.S.C. Section 651-678.

(9) “Safety and Health Standard” or “Standard” means any of the safety and health standards adopted by the division and which may apply to a specific workplace. These standards are minimum standards upon which all safety and health risk assessments can be made.

(10) “Safety and Health Inspection” means the risk assessment process by division personnel of a firefighter employer’s work environment as follows: analyzing existing conditions and operations that may create hazards; identifying signs of ineffective safety and health policies or practices; and identifying safety and health program deficiencies.

(11) “Severity” means the extent of the workers’ compensation medical and indemnity benefits which result or will result from the workplace injuries that a firefighter employer has reported to the Division of Workers’ Compensation.

(12) “Shall” means that the application or procedure that follows is mandatory and “shall” is only used in this context in these rules.

(13) “Should” means that the application or procedure that follows is highly recommended and “should” is only used in this context in these rules.

(14) “Workplace Safety and Health Program” means the written program of a workers’ compensation carrier, group self-insurance fund, and individual self-insurer which has been approved in writing by the division. It is to be used by their policyholders, members or themselves as a guide in developing a specific firefighter employer’s “Firefighter Employer Comprehensive Safety and Health Program.”

(15) “Will” means that the application or procedure that follows is to take place in the future and in this context “will” is never used to indicate any degree of requirement of an application or procedure.

Specific Authority 633.804 FS. Law Implemented 633.804 FS. History—New _____.

4A-62.021 Program Submission and Approval.

(1) All workers’ compensation insurance carriers, workers’ compensation individual self-insurers, and group self-insurance funds shall have available to the division, Florida, a copy of their workplace safety and health program. A workplace safety and health program shall contain the following:

(a) A list of the general types of workplace safety and health services to be provided to the firefighter employer.

(b) The procedures followed for the conduct of inspections.

(c) The use of training programs for firefighter employers and fund members.

(2) The carrier or self-insurance fund program shall include, as an attachment to its overall program, a generic workplace safety and health program, regardless of format, that meets the specific requirements of these rules and can be used by the firefighter employer to develop a Firefighter Employer Comprehensive Safety and Health Program that is written specifically to meet the needs of the firefighter employer’s workplace.

(3) General Guidelines For Firefighter Employer Comprehensive Safety and Health Programs. The following guidelines for a Firefighter Employer Comprehensive Safety and Health Program shall be included in the carrier’s workplace safety and health program. Carriers, self-insurers and firefighter employers shall follow these guidelines when tailoring a workplace safety and health program to the specific circumstances pertaining to a particular policyholder or member. An actual Firefighter Employer Comprehensive Safety and Health Program for a particular policyholder or member is not acceptable unless it is modified to meet the specific needs and requirements of the policyholder or member’s workplace. These guidelines shall be used by firefighter employers that are notified by the division that they have a high frequency or severity of workers’ compensation claims to prepare their Firefighter Employer Comprehensive Safety and Health Program.

(a) Safety Policy. Each firefighter employer shall issue and make available to all firefighter employees a safety policy containing a clear and concise view of the firefighter employer’s determination that safety and health management shall be of primary importance and that all employment and places of employment shall be free of recognizable workplace and environmental hazards. The safety policy shall delegate responsibilities with respect to implementing the safety and health program.

(b) Safety Rules. Each firefighter employer shall develop and implement a set of safety rules which shall be equivalent to or exceed applicable OSHA standards and such rules shall be consistent with the size and type of industry for which the safety program is being developed.

(c) Safety And Health Training Program. Each firefighter employer shall implement a safety and health training program which shall address:

1. Training, by supervisors or trained instructors, of new firefighter employees and firefighter employees transferring to new jobs, on the operating procedures of vehicles and equipment to be utilized by the firefighter employee.

2. Instructional training for supervisors.

3. Specialized training as required by the rules of the division, and any OSHA Standards and other applicable laws, rules or regulations.

4. Emergency vehicle operations course for all emergency vehicle operators.

5. Goals and objectives of the safety training program(s).

6. Person(s) responsible for safety and the person(s) responsible for the conduct of safety training.

7. Specific method(s) of presentation.

8. An analysis of accidents, illnesses and injuries to determine specific additional training that may be needed.

9. Training program outline.

10. Comprehensive training program content.

11. Hazard identification system.

12. New firefighter employee indoctrination program.

13. Training. Each firefighter employer shall provide training an education for all firefighters and supervisory personnel commensurate with those duties and functions that such firefighters and supervisory personnel are expected to perform. Such training and education shall be provided to firefighters and supervisory personnel before they perform any emergency activities. Supervisory personnel shall be provided with training and education which is more comprehensive than that provided to the general firefighters.

(4) Each firefighter employer shall assure that training and education is conducted frequently enough to assure that each firefighter is able to perform the firefighter's assigned duties and functions satisfactorily and in a safe manner so as not to endanger himself, herself, or any other firefighter. Training shall be provided at least annually. In addition, firefighters who are expected to perform interior structural firefighting shall be provided with an education session or training at least quarterly.

(5) The quality of the training and education programs for firefighters and officers shall be similar to the courses or curriculum of the Florida State Fire College or that use national consensus curriculums such as the International Fire Service Training Association (IFSTA). The qualify of the training for supervisory personnel shall generally conform to the standards enumerated in NFPA 1021, "Fire Officer Professional Qualifications," for Firefighter I, II, III, or IV, as applicable, or similar or equivalent standards.

(6) Each firefighter employer shall inform each firefighter about special hazards such as storage and use of flammable liquids and gases, toxic chemicals, radioactive sources, and water reactive substances, to which they may be exposed during fire and other emergencies. The firefighters shall also be advised of any changes that occur in relation to the special hazards. The firefighter employer shall develop and make available for inspection by firefighters written procedures that describe the actions to be taken in situations involving the special hazards and shall include these in the training and education program.

(7) Policy for enforcement of safety rules and regulations.

(a) Accident Investigation Program. Each firefighter employer shall implement an accident investigation program which will investigate and record all accidents and near accidents involving personnel, including medical only injuries, and accidents in which equipment or motor vehicles are damaged. The investigation shall determine all obtainable facts of each accident and cite cause factors and recommend corrective action.

(b) Record Keeping. Each firefighter employer shall implement a Firefighter Service Casualty Report which shall record all injuries, including type of accident, agencies, nature or type of injury, body location, the specific activity at the time of the injury or occurrence, cause of injury, and contributing causes of injury. Such reports shall also contain any event, injury, or occurrence enumerated in Section 112.181, Florida Statutes, to which the presumptions therein are applicable. These reports shall be kept up to date.

Specific Authority 633.804 FS. Law Implemented 633.804 FS. History--New

4A-62.022 Firefighter Employer Comprehensive Safety and Health Program.

(1) All firefighter employers identified and notified by the division as having a high frequency or severity of work related injuries and illnesses shall submit their Firefighter Employer Comprehensive Safety and Health Program to the division for approval within one hundred twenty (120) days after receipt of notice. The division may approve additional time for the firefighter employer to complete specific elements of the program providing the firefighter employer is making progress on the other elements. This approval shall be in writing.

(2) The Firefighter Employer Comprehensive Safety and Health Program shall contain or address the specific components listed under the "GENERAL GUIDELINES FOR FIREFIGHTER EMPLOYER COMPREHENSIVE SAFETY AND HEALTH PROGRAMS" set forth in Rule 4A-62.021, F.A.C.

(3) If a firefighter employer fails to submit a Firefighter Employer Comprehensive Safety and Health Program to the division, the firefighter employer shall be subject to a penalty as prescribed in Section 633.811, Florida Statutes, or as otherwise prescribed by law.

(4) The division shall conduct a continuous evaluation of each approved program to determine its overall effectiveness.

Specific Authority 633.809 FS. Law Implemented 633.809 FS. History--New

4A-62.023 Criteria for Identifying Firefighter Employers with a High Frequency or Severity of Injuries.

(1) Individual firefighter employers and groups of firefighter employers with a high frequency or severity of work related injuries and illnesses as identified by the division shall be subject to safety and health inspections. If a firefighter employer fails or refuses to implement or correct deficiencies

identified by the division, the firefighter employer shall be subject to penalties as provided Section 633.811, Florida Statutes, or as otherwise prescribed by law.

(2) The division will use the following procedures to determine which firefighter employers with a high frequency or severity of workers' compensation claims will be selected to have their safety and health management program audited by the division and their workplace and records inspected.

(a) A firefighter employer high frequency of injury list will be established using the most recent year's data available from the Division of Workers' Compensation database. This will be data for a year where there has been sufficient time allowed to receive and check the data for reliability. The list will be derived by compiling lost time cases contained in the database in descending order of frequency from highest to lowest for the year. The order of priority will be determined by highest frequency of disabling injuries. Firefighter employers with the highest frequency rate of reported lost time cases will be contacted first.

(b) A list of firefighter employers with a high frequency of workers' compensation claims that is above the statewide average for firefighter employers or with a high severity of workers' compensation claims that is above the statewide average for the firefighter employer's will be compiled from the Division of Worker's Compensation database. This will be done using the data for the same year that was used to compile the Florida Injury List. Individual firefighter employers will then be selected from this list as determined by the procedure stated above in paragraph (a). Selection will begin with the firefighter employer with highest frequency of lost time cases and working down the list in descending order of frequency and then finally selecting any remaining firefighter employer's on the list that have a high severity of lost time cases.

(c) In order to preclude working with a firefighter employer when it would be inappropriate, procedures will be followed that will allow the firefighter employer's carrier to provide documentation to that effect. This procedure will be used to eliminate firefighter employers from the list that appear on the list inadvertently due to an administrative error or when a firefighter employer, subsequent to the collection of data in the Division of Workers' Compensation database, has taken action and reduced his frequency or severity of injuries to a rate below the statewide average for firefighter employers. When a firefighter employer is selected for an audit, both the firefighter employer and the firefighter employer's carrier will be advised and requested to provide claims experience data for the past three calendar years for the purpose of determining the firefighter employers frequency rate which then can be compared to the statewide average for firefighter employers. If the firefighter employer's actual frequency rate is below this average, the firefighter employer will be removed from the list of firefighter employers to be audited. On the other hand if the

firefighter employers frequency rate is above average or there is no data available, the firefighter employer will be scheduled for an audit.

(d) The frequency rate will be calculated using the following formula: Rate of reported time lost injuries by a firefighter employer in a year shall be determined by Frequency divided by Average Daily Staffing where: Frequency = total lost time cases reported by a firefighter employer in a year. Average Daily Staffing = the average number of personnel duty at one given time per day multiplied by the number of days staffed. Example 1: the average number of personnel duty at one given time per day multiplied by 365 for a 24 hour full-time department [Please note this works for three platoon (24/48) or four platoon (10/14 or 24/72)] Example 2: the average number of personnel duty at one given time per day multiplied by 260 for Monday through Friday staffing. Example 3: For volunteers it would be the average staffing of all of their emergency responses times the number of responses they had in the year.

(e) The firefighter employer's frequency rate will be compared with the statewide average frequency rate for all firefighter employers. The statewide average frequency rate will be determined by dividing the total number of reported lost time cases by the total number of reported firefighter employees within the group.

(f) If a firefighter employer is to be audited, the following shall be required of the firefighter employer:

1. The firefighter employer shall be required to meet with a division representative within ten days of being notified of the decision to audit.

2. The firefighter employer shall be required to assign a contact person to work with the analyst representing the division.

3. The firefighter employer shall be required to provide the most complete copy of each of the first reports of injury for the past 3 years and a copy of the corresponding accident report if available.

4. Information pertaining to the following will be collected from the firefighter employer:

- a. Safety policy.
- b. Safety rules and regulations.
- c. Safety inspections, including regular and periodic inspections.
- d. Safety training programs.
- e. First aid programs.
- f. Accident investigation programs.
- g. Recordkeeping, and
- h. Respiratory protection programs as required by the adoption of 29 C.F.R. 1910.134 in Rule 4A-62.011, F.A.C.
- i. Other information pertaining to safety and health program management.

5. After the audit is complete, a closing conference will be scheduled to advise the firefighter employer on the results of the audit.

6. Suggestions and assistance will be provided to the firefighter employer to help improve the safety and health program management.

7. Abatement deadlines shall be set for the firefighter employer to take corrective action in regard to any safety and health program deficiencies that are identified.

8. In order to measure program effectiveness following the audit, the firefighter employer shall be required to submit copies of all first reports of injury and corresponding accident investigation reports to the division on a quarterly basis (every three months) for two years or until the firefighter employer's frequency/severity rate of lost time cases falls below the statewide average for firefighter employers, whichever occurs latest.

Specific Authority 633.809 FS. Law Implemented 633.809 FS. History—New _____.

PART III: SAFETY AND HEALTH COMPLIANCE

4A-62.030 Definitions.

Part III of this rule chapter incorporates by reference the definition of "occupational disease" contained in Section 440.151(2), Florida Statutes, and the definitions contained in section 440.02, Florida Statutes. Further, with respect to Part III of these rules, the division adopts the following definitions:

(1) "Abatement date" means a given day specified by the division on the Notice of Violation on or before which the firefighter employer must correct a violation to avoid penalty.

(2) "Calendar year" means a given twelve month period that begins January 1 and ends December 31.

(3) "Establishment" means the single physical location of a workplace where the firefighter employer maintains records necessary to provide evidence of firefighter employer compliance with this rule chapter. Generally, an establishment is a single physical location where business is conducted. For firefighter employers engaged in activities that may be physically dispersed, the establishment shall be the Administrative Offices/Headquarters of the agency.

(4) "Fatality" means any firefighter employee death that occurs as a result of workplace injury, illness, or occupational disease. The term includes a firefighter employee death that results from workplace injury, illness, or occupational disease.

(5) "Hazard" means the risk of exposure to materials, processes, or operating procedures or practices that can produce a harmful effect by causing injury, illness, occupational disease, or fatality.

(6) "Illness" means any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to environmental factors associated with

employment. It includes acute and chronic illnesses or diseases that may be caused by inhalation, absorption, ingestion, or direct contact with an environmental factor.

(7) "Investigation" means verification of firefighter employer compliance with the Act or division rule by of a firefighter employer including firefighter employer requests, complaint investigations, fatality investigations, and serious incident investigations.

(8) "Serious incident" means any event arising out of the work and in the course of employment, the result of which a firefighter employee is admitted into a hospital for a minimum period of twenty-four hours.

(9) "Violation" means noncompliance with the Act, a division rule, or order of the division.

(10) "Workplace" means the physical location in Florida where firefighter employees perform their duties and includes the scene of a fire or other emergency unless the context clearly requires otherwise.

Specific Authority 633.806 FS. Law Implemented 633.806 FS. History—New _____.

4A-62.031 Right of Entry.

A firefighter employer shall allow the division, on request and presentation of official credentials, without delay to enter and to inspect any place of employment at any reasonable time for the purpose of assuring compliance with the Act and this rule chapter.

Specific Authority 633.806 FS. Law Implemented 633.806, 633.815 FS. History—New _____.

4A-62.032 Division Inspection or Investigation.

(1) Under the Act, the division is authorized to conduct inspections or investigations for the purpose of ensuring compliance with the Act and division rules. The division shall conduct an inspection or investigation to determine jurisdiction, the occurrence of a violation, or to verify abatement. The division shall conduct an inspection or investigation by means of on-site inspection or investigation, telephone, correspondence, or personal interview, which may be in private.

(2) A firefighter employer may request the division to investigate the workplace to ensure compliance with the Act and division rules.

(3) The division shall not provide notice of an inspection or investigation.

(4) Upon entering a workplace, the division shall advise the person in charge of the work being performed at the workplace that the division intends to conduct an inspection or investigation.

(5) The division shall conduct an opening conference, explaining the purpose of the inspection or investigation, inspection or investigation procedures, and firefighter employer obligations and responsibilities.

(6) The division may invite a firefighter employee to accompany the division during an inspection or investigation.

(7) The division shall consider evidence observed in plain view or obtained during an inspection or investigation, or otherwise obtained from a telephone or personal interview, correspondence, firefighter employer record, maintenance record, insurance record, laboratory report, or electronic information.

(8) After the inspection or investigation, the division shall conduct a closing conference with the firefighter employer to discuss any violations noticed, answer questions, explain penalty assessments, and identify abatement verification procedures, including the potential for a subsequent inspection or investigation by the division to verify abatement.

(9) The division shall issue a Notice of Violation prescribed in Rule 4A-62.034, F.A.C., for each violation identified by the division during an inspection or investigation. The division shall issue a Notice of Violation at the completion of the inspection or investigation.

(10) Complaint Investigation.

(a) The division shall consider a complaint from any person who alleges a violation of the Act or a division rule. The complainant may elect to remain anonymous. The complainant must identify the location of the workplace that gives rise to the complaint and allege known particular facts that constitute a violation. A complaint may be oral or written.

(b) The division shall conduct an investigation of a complaint that facially establishes reasonable cause to believe that a violation exists or occurred.

(11) Fatality Investigation.

(a) Each firefighter employer shall notify the division of any fatality within 24 hours by telephone, facsimile transmission, telegraph, or any other effective means of communication.

(b) The division shall conduct an investigation of each fatality of which it is notified.

(12) If the division determines during an investigation that a firefighter employer's failure to comply with the Act or a division rule directly contributed to a fatality or serious incident, the division shall issue to the firefighter employer a Notice of Violation specifying an immediate abatement date.

(13) The division shall conduct an investigation to verify abatement of a violation within six months after the issuance date of the Notice of Violation.

Specific Authority 633.45(1)(a), 633.806 FS. Law Implemented 633.801, 633.806, 633.815 FS. History—New _____.

4A-62.033 Recordkeeping Responsibilities of Firefighter Employers.

(1) Each firefighter employer shall maintain for review by the division upon request the "Log and Summary of Occupational Injuries, Diseases, and Illnesses" (DI4-) (log and summary), incorporated herein by reference and

available from the division. Each firefighter employer shall record each injury, illness, occupational disease, and fatality for that establishment on the log and summary within six working days of learning an injury, illness, occupational disease, or fatality has occurred. A firefighter employer may maintain a form equivalent to the log and summary, which shall contain the same information and shall be as readable and comprehensible to a person unfamiliar with the log and summary. The firefighter employer or person who supervises the preparation of the log and summary shall execute the certification of the log and summary with his or her signature.

(2) In addition to the log and summary required in subsection (1), each firefighter employer shall maintain and make readily available upon request to the division the following supplementary records:

(a) "Notice of Injury" (Form xxx), incorporated herein by reference and available from the firefighter employer's Workers' Compensation insurance carrier or fund, for each injury, illness, occupational disease, or fatality at each establishment, within six (6) working days after a firefighter employee injury, illness, occupational disease, or fatality has occurred. The Notice of Injury shall be completed in the detail prescribed in the instructions on the Notice of Injury itself; and

(b) The Firefighter Casualty Report, Form 902G NFIRS-3, which is hereby adopted and incorporated by reference. Form 902G NFIRS-3 may be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

(c) The firefighter employee accident investigation records where created by or submitted to the firefighter employer.

(3) Each firefighter employer shall establish and maintain records on a calendar year basis.

(4) Each firefighter employer shall maintain records required in subsections (1) and (2) in each establishment for three calendar years following the end of the calendar year during which the firefighter employee injury, illness, occupational disease, or fatality occurred.

(5) When a workplace is located apart from an establishment, the firefighter employer shall have available at the workplace the telephone number and address of the establishment where records are maintained.

Specific Authority 633.808(4) FS. Law Implemented 633.808(4) FS. History—New _____.

4A-62.034 Notice of Violation.

(1) If the division determines that a firefighter employer is not in compliance with the Act or a division rule, the division shall issue to the firefighter employer a Notice of Violation (Form DI4-), which the division incorporates herein. The Notice of Violation shall specify the section of the statute or rule chapter violated, set forth particular facts that support the

division's allegation of a violation, and set an abatement date not to exceed thirty calendar days from the date of issuance on the Notice of Violation.

(2) The division shall serve a Notice of Violation on the senior firefighter employer official at the workplace where the violation occurred, or on a firefighter employer contact or representative. The division shall serve a Notice of Violation personally, via United States mail, or otherwise according to law.

(3) Each firefighter employer shall bring into compliance any violation identified in the Notice of Violation on or before its abatement date. The division shall grant an extension of the original abatement date upon written request by the firefighter employer for good cause shown, which means an incident or occurrence beyond the control of the firefighter employer, such as in the event of an identified hazard, forthcoming delivery of contracted services or materials, together with remedial action by the firefighter employer to remove firefighter employees from the hazard. Good cause shall not include lack of financial resources.

(4) A firefighter employer shall file the firefighter employer's copy of the Notice of Violation with the division, indicating the action taken by the firefighter employer to bring the noticed violation into compliance, the date action was taken, and the firefighter employer's signature certifying abatement. Filing under this subsection means receipt by the division within ten days after the abatement date.

(5) If the division determines that the firefighter employer abated the noticed violation on or before the abatement date, the division shall dismiss the notice. If the firefighter employer fails to correct the violation on or before the abatement date, the division shall assess against the firefighter employer a civil penalty commensurate with Section 633.822, Florida Statutes, unless otherwise provided by division rule.

(6) The firefighter employer who receives a Notice of Violation may request the division to withdraw the Notice of Violation. The request must be in writing and received by the division on or before the abatement date. The division shall withdraw a Notice of Violation for good cause shown by the firefighter employer.

(7) If the division finds no violation during an investigation on-site, the division will so indicate on a Notice of Violation if requested by the firefighter employer.

Specific Authority 633.808 FS. Law Implemented 633.808 FS. History—New _____.

4A-62.035 Safety Training.

After a firefighter employer has abated a noticed violation that created a particular hazard, the division shall require the firefighter employer to provide to each affected firefighter employee safety training designed to prevent recurrence of the violation. Safety training shall include at least recognition and avoidance of the particular hazard and knowledge of the protective measures required to prevent injury. Abatement of a

safety training violation under this subsection shall include completion and documentation of the training. If a condition for abatement of a noticed violation includes safety training and the firefighter employer fails to provide the training to all affected firefighter employees, each affected firefighter employee not trained constitutes a separate violation.

Specific Authority 633.808, 633.811 FS. Law Implemented 633.808, 633.811 FS. History—New _____.

4A-62.036 Procedures Relating to Penalties.

(1) The division shall issue a Notice of Penalty (Form DI4-), incorporated herein by reference, to a firefighter employer that fails to timely abate a violation of the Act or division rule.

(2) The division shall serve the Notice of Penalty in the manner provided for service of the Notice of Violation under Rule 4A-62.034, F.A.C.

(3)(a) If an investigation to verify abatement reveals that a previously-noticed violation exists, the division shall assess against the firefighter employer a penalty for a continuing violation, which shall accrue from the original abatement date indicated on the Notice of Violation. If the firefighter employer demonstrates conclusively to the division by documentary evidence, such as purchase order, payment receipt, or work order, that the firefighter employer corrected the previously-noticed violation on or before the abatement date, the division shall not assess a penalty for a continuing violation.

(b) Any previously-noticed violation that recurs after the six-month abatement period constitutes a separate violation, which is independent of a previously-noticed violation and shall be separately charged.

(4) Except as otherwise provided in this rule, the division shall assess against a firefighter employer who violates the Act, such penalty as is permitted in Section 633.011, Florida Statutes. If the division grants an extension of the abatement date and the firefighter employer fails to timely abate, the penalty shall accrue from the original abatement date on the Notice of Violation.

(5) The division shall assess against a firefighter employer a penalty for a violation that is commensurate with frequency or severity, or both.

(a) In assessing a penalty based on frequency, the division shall consider:

1. The number of safety and health violations cited against the firefighter employer as the result of a complaint or investigation; and

2. The number of identical, similar, or related safety and health violations for which the firefighter employer was prosecuted administratively, criminally, or civilly.

(b) Unless the firefighter employer violates a provision specifically enumerated in paragraph (5)(b), above, the division shall assess a penalty that considers:

1. The risk or potential risk of injury or exposure to injury that results from the violation or violations; and

2. The number of firefighter employees affected by the violation or violations.

(6) A firefighter employer that violates Rule 4A-62.031, F.A.C., (right of entry) is subject to criminal prosecution pursuant to Section 633.815, Florida Statutes, and to administrative prosecution under the act.

(7) The division has authority to seek remedies, including injunctive relief, by making appropriate filings with the Circuit Court of the Second Judicial Circuit (Leon County) to assure compliance with the Act or division rule or order.

(8) The firefighter employer may request mitigation of the penalty by filing a written request for mitigation with the division. The division shall determine whether to mitigate a penalty after considering:

(a) The knowledge of the firefighter employer of the violation or whether the firefighter employer ought to have known of the violation with due diligence;

(b) The remedial action taken by the firefighter employer in good faith to correct the violation or violations cited;

(c) The promptness of the firefighter employer's remedial action to correct the violation or violations cited; and

(d) The demonstrated commitment by the firefighter employer to avert recurrence of the violation or violations and to assure future compliance with the Act and division rules.

(9) A firefighter employer shall pay a penalty to the division within thirty (30) days of the issuance date of the Notice of Penalty by certified check or money order, which shall be made payable to the "Division of State Fire Marshal" and include the case file number and penalty number(s) specified on the Notice of Penalty. Penalty payments shall be addressed to: Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340. The division shall deposit all penalties collected in the Florida Insurance Commissioner's Regulatory Trust Fund.

Specific Authority 633.811 FS. Law Implemented 633.811 FS. History--New

PART IV: WORKPLACE SAFETY COMMITTEES

4A-62.040 Definitions.

Part IV of this rule chapter incorporates by reference the definitions for "accident" and "injury" contained in Section 440.02, Florida Statutes, and the definition of "occupational disease" contained in Section 440.151(2), Florida Statutes. Furthermore, with respect to Part IV, the following definitions apply:

(1) "Calendar year" means a given twelve month period that begins on January 1 and ends on December 31.

(2) "Firefighter employer" means a "firefighter employer" as defined in Section 633.802(4), Florida Statutes, provided that Part IV of this rule chapter applies only to a firefighter

employer of twenty or more firefighter employees or to a firefighter employer of fewer than twenty firefighter employees that the division "identified."

(3) "Firefighter employee representative" means a firefighter employee chosen to serve on a safety committee, who does not normally serve in a supervisory capacity.

(4) "Fatality" means a firefighter employee death that occurs as a result of workplace injury or illness, or occupational disease. The term includes a firefighter employee death that results from workplace injury or illness, or occupational disease within one year of its report to the Division of Workers' Compensation of the Department of Insurance.

(5) "Hazard" means the risk of exposure to materials, processes, or operating procedures or practices that can produce injury, illness, occupational disease, or fatality.

(6) A firefighter employer "identified" means a firefighter employer identified by the division as having three or more compensable injuries in the period of three calendar years immediately preceding adoption of the rule chapter, or thereafter in the most recent period of three calendar years.

(7) "Incidence Rate" or "Frequency rate" shall be determined by the method described in Rule 4A-62.023, F.A.C.

(8) "Illness" or "occupational illness" means any abnormal condition or disorder, other than one resulting from an injury, caused by exposure to environmental factors associated with employment. Illness includes acute and chronic illnesses or diseases caused by inhalation, absorption, ingestion, or direct contact with an environmental factor.

(9) "Safety committee," "workplace safety committee," or "committee" means a group of firefighter employer and firefighter employee representatives organized pursuant to this rule chapter that actively participates in accident prevention and that recommends improvements and promotes safety and health in the workplace.

(10) "Safety-related incident" means a condition, event, or series of events that indicates the existence or occurrence of a hazard, regardless of whether the incident contributes to an injury, illness, occupational disease, or fatality.

(11) "Safety program" means a particular written safety and health program, implemented by a firefighter employer, that:

(a) Provides the means to eliminate, reduce, or control recognized hazards in the work or workplace;

(b) Provides the means to eliminate, reduce, or control the frequency or severity of workplace injuries and occupational diseases;

(c) Is specific to the work being performed;

(d) Is specific to the environment where the work is being performed; and

(e) Is easily understood by firefighter employees.

(12) “Scheduled meeting” means a convening of a safety committee after reasonable notice to its members and publication of an agenda of subjects to be addressed.

(13) “Workplace” means the physical location in Florida where firefighter employees perform their duties.

(14) “Workplace safety coordinator” means a person designated by the firefighter employer who actively participates in accident prevention, recommends improvements, and promotes safety and health in the workplace.

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History—New _____.

4A-62.041 Firefighter Employer Requirements.

(1) A firefighter employer of twenty or more firefighter employees shall establish, maintain, and administer a safety committee in the workplace.

(a) The firefighter employer shall determine the total number of members that serve on the safety committee; determine the length of tenure for all members of the safety committee; and ensure that the number of firefighter employer representatives shall not exceed the number of firefighter employee representatives.

(b) The firefighter employer shall identify the firefighter employee representatives for the safety committee from firefighter employees who are volunteers or who are elected from their co-workers. When sufficient firefighter employee representation is not otherwise met, the firefighter employer shall select and appoint firefighter employees to the committee. If a collective bargaining agreement provides for the establishment of a safety committee, the establishment of the safety committee pursuant to this section shall be in accordance with the collective bargaining agreement.

(c) The firefighter employer shall ensure that the safety committee convenes in accordance with the following protocol:

1. The committee shall convene its first scheduled meeting not more than forty-five days after the date of its inception.

2. Thereafter, the committee shall convene its scheduled meetings at least once each quarter during the calendar year and at such other times as a majority of the committee membership agrees or the firefighter employer requires.

(d) The firefighter employer shall compensate each committee member at his or her regular hourly wage as a firefighter when the member is engaged in committee activities.

(e) The firefighter employer shall consider and issue a timely written response to each written recommendation of the safety committee issued.

(f) The firefighter employer shall maintain complete and accurate minutes of committee meetings and communicate the location and availability of the minutes to all firefighter

employees. Safety committee records, or true copies thereof, shall be maintained by the firefighter employer for a period of not less than three calendar years.

(g) The firefighter employer shall maintain and administer a safety committee by assuring that the committee complies with these rules.

(2) If the firefighter employer described in subsection (1) operates multiple workplaces that are geographically separated, the firefighter employer is permitted to have a centralized safety committee represent the safety and health concerns of all the locations, or, alternatively, the firefighter employer is permitted to have a separate safety committee at each location.

(3) A firefighter employer of fewer than twenty firefighter employees that the division “identified” shall establish and administer a workplace safety committee or designate a workplace safety coordinator.

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History—New _____.

4A-62.042 Duties and Functions of the Safety Committee and Workplace Safety Coordinator.

(1) The safety committee, under the direction of the firefighter employer, shall:

(a) Establish and communicate procedures for conducting internal safety inspections of the workplace. When approved by the firefighter employer, these procedures shall be used to evaluate the effectiveness of engineering, administrative, and personal protective control measures provided by the firefighter employer to protect firefighter employees from recognized hazards in the work and work environment;

(b) Establish and communicate procedures approved by the firefighter employer by which the firefighter employer shall investigate all workplace accidents, safety-related incidents, injuries, illnesses, diseases, and fatalities;

(c) Evaluate the effectiveness of and recommend improvements to the firefighter employer’s safety rules, policies, and procedures for accident and illness prevention programs in the workplace and, when approved by the firefighter employer, ensure that written updates and changes to rules, policies, and procedures of the safety programs are completed;

(d) Establish and communicate guidelines for the training of members on the requirements of this rule chapter;

(e) Post the scheduled date, time, and location of committee meetings in a conspicuous place where firefighter employees normally gather;

(f) Provide minutes of the committee meetings in a conspicuous place where firefighter employees normally gather and provide a copy thereof to individual firefighter employees upon written request; and

PURPOSE AND EFFECT: The purpose of this rule development is to implement the statutory requirements of Chapter 399, Florida Statutes, as amended by CS for SB 990 during the 2002 Legislature. This rule provides the specifications for continuing education requirements for elevator safety personnel, the submittal, review, and approval of elevator training programs; instructor qualifications; and, the exemption for certain military personnel.

SUBJECT AREA TO BE ADDRESSED: The continuing education requirements for elevator safety personnel.

SPECIFIC AUTHORITY: 399.001, 399.01(17), 399.049 FS.

LAW IMPLEMENTED: 399.01(17) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lee M. Cornman, Management Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, (850)488-9263

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-5.008 Continuing Education Requirements.

(1) Continuing Education Requirements.

(a) To renew a credential issued by the bureau under Chapter 399, Florida Statutes that requires continuing education, a person must submit DBPR HR Form 5023-024, entitled Annual Registration Form, incorporated herein by reference and effective 01-01-02, a copy of which is available by writing the Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, with proof of completion of 8 hours of continuing education approved by the bureau for renewal of the credential.

(b) A person holding more than one credential issued by the bureau that requires continuing education need only complete 8 hours of continuing education during each annual period, but must submit proof of completion of the continuing education with each DBPR HR Form 5023-024, Annual Registration, submitted.

(c) A person initially certified or registered by the bureau 180 days or more prior to the renewal deadline must complete 4 hours of approved continuing education as a condition of renewal.

(d) A person initially certified or registered by the bureau for less than 180 days prior to the renewal deadline need not complete any approved continuing education as a condition of renewal.

(2) Course Provider Approval.

(a) Each course provider must obtain approval by and registration with the bureau to appoint instructors and conduct courses that satisfy continuing education requirements of Chapter 399, Florida Statutes, by submitting a completed application form number DBPR HR Form 5023-017, entitled Continuing Education Course Approval Application, incorporated herein by reference and effective 07-01-02, a copy of which is available by writing the Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012. Approval shall be granted upon verification that the provider possesses the following: five years experience in the construction, alteration, modification, maintenance or repair of elevators, and one of the following:

1. Possession of a Certificate of Competency issued by the bureau and in good standing;

2. Certification in good standing, pursuant to American Society of Mechanical Engineers standards as a Qualified Elevator Inspector;

3. Proof of registration, licensure or certification in the elevator trade by a United States authority having jurisdiction, to standards substantially equal to or more stringent than those of Chapter 399, Florida Statutes.

(b) A licensed, certified or registered contractor or engineer having five years experience in their field may, upon verification be approved as a course provider.

(c) Each course provider approval and registration expires three years from the date of issue, and must be renewed by submitting a completed form number DBPR HR Form 5023-017, Continuing Education Course Approval Application, prior to the course provider conducting any further courses intended to satisfy continuing education requirements of Chapter 399, Florida Statutes.

(d) Each course provider seeking bureau approval must submit at least one continuing education course syllabus to the bureau for approval.

(e) A course provider must provide the bureau written notice of any material changes to information contained in its most recent application for, or renewal of, approval and registration no later than 30 days after such a change.

(f) The bureau shall maintain a list of all course providers it has approved.

(g) The bureau shall deny approval of, suspend, or revoke the registration of any course provider if based on any of the following:

1. Obtaining or attempting to obtain registration or course approval through fraud, deceit, false statements, or misrepresentation of material facts, whether such statements or misrepresentations are made knowingly or negligently.

2. Failure to provide complete and accurate information in the initial application for registration or in any notification of change in information.

3. Failure to notify the bureau of a change in the information required in subsection (4) for registration of course providers.

4. Falsification of any records regarding the continuing education courses conducted by the course provider or the persons who attended the courses.

5. Failure to maintain any required records regarding the continuing education courses conducted by the course provider or the persons who attended the courses.

6. Failure to properly record attendance at any session of an approved course.

7. Failure to provide the bureau with copies of any document or other information required to be maintained by the course provider pursuant to this rule.

8. Advertising that a course is approved prior to the date approval is granted, or otherwise including false or misrepresentative information in advertising.

9. Participating in any activity designed or intended to circumvent or evade the requirements of Chapter 399, Florida Statutes, or the rules adopted by the bureau to implement that section.

10. Failure to include the bureau course identification number in any advertisement, brochure, course completion certificate, or other marketing or instructional material.

(h) If a course provider's registration is suspended or revoked, the course provider must cancel all sessions scheduled after the suspension or revocation takes effect and refund any fees associated with those sessions until such time as the course provider is restored to good standing.

(i) The bureau may deny approval or renewal of, suspend, or revoke the registration of any course provider when any license prerequisite to approval and registration of the course provider becomes suspended or revoked by the bureau.

(j) A provider whose approval and registration is delinquent, expired, suspended or revoked may not conduct courses. Any courses conducted while a provider is delinquent, expired, suspended or revoked, will not satisfy the continuing education requirements of Chapter 399, Florida Statutes.

(3) Continuing Education Course Approval.

(a) To satisfy continuing education requirements of Chapter 399, Florida Statutes and this rule, each approved course provider must submit at least one continuing education course syllabus to the bureau for approval. To be approved as a course of continuing education for purposes of Chapter 399, Florida Statutes and this rule, the course must provide technical or safety relevance to elevator construction, alteration, modification, repair or maintenance.

(b) The following subjects are relevant and provided as a guide. Courses submitted for approval need not encompass all these nor be limited to only these: elevator general theory and principles; plan and specification reading and interpretation; electrical codes; wiring and protection; wiring methods and materials; special occupancies and situations; life safety and

Americans with Disabilities Act; elevator safety codes; inspectors manuals and structural considerations; wheelchair or accessibility lifts; OSHA Safety standards; periodic safety tests; or use of specialized tools and equipment.

(c) Continuing education courses will only be considered for approval when a completed DBPR Form HR 5023-017, Continuing Education Course Approval Application, is submitted by an approved course provider to the bureau. The application must include: total number of hours of the course; a syllabus that demonstrates topical relevance of the course and includes an accounting of time spent on each topic or subsection in increments of not less than a quarter hour; the name and qualifications of all instructors known at the time of the application. The bureau shall assign each approved course a unique identification number.

(d) Any course denied approval may be modified and resubmitted for approval.

(e) The bureau may not deny or withdraw approval for a course on the sole basis that another course provider conducts the same or similar course approved by the bureau.

(4) Course Instructor Qualifications.

(a) Course instructors must be affiliated with an approved course provider and possess education and experience that qualifies the instructor to teach the course or parts of the course to which he or she is assigned. This education and experience must be verified by the course provider, and consist of the following: five years experience in the construction, alteration, modification, maintenance or repair of elevators, and one of the following:

1. Possession of a Certificate of Competency issued by the bureau and in good standing;

2. Certification in good standing, pursuant to American Society of Mechanical Engineers standards as a Qualified Elevator Inspector;

3. Proof of registration, licensure or certification in the elevator trade by a United States authority having jurisdiction, to standards substantially equal to or more stringent than those of Chapter 399, Florida Statutes.

(b) A licensed, certified or registered contractor or engineer having five years experience in their field verified by the course provider, and whose license, certification, or registration is in good standing, also verified by the course provider, may teach a course within the scope of his or her license.

(5) Records Required of Course Providers.

(a) The course provider must maintain records for each session of courses it conducts for the purpose of satisfying continuing education requirements established in Chapter 399, Florida Statutes, and provide any of these required records upon request by the bureau. Such records must be maintained for three years, and contain the following:

1. The time, dates and address of each course session.

2. The name, address and qualifications of any instructor teaching any portion of a course session.

3. The syllabus of each course, which must be provided to each attendee.

4. The name, address and bureau certification or registration number and type of each person that registered for a course session, regardless of whether a fee is charged;

5. The name, address and bureau certification or registration number and type of each person that completed a course session, regardless of whether a fee is charged.

6. The original sign-in sheet used onsite to record attendance for each course session, which must include: the time, date and address of the course session, the attendee's printed name, signature, and bureau certification or registration number and type, and number of course hours the attendee completed. The sign-in sheet must prominently bear the following statement above the attendees information: "By affixing my name and/or signature and/or mark to this document, I attest and certify that I am correctly and accurately identified herein as the person attending this continuing education course session." The sign-in sheet must also bear the following statement: "I attest the information recorded herein is true and accurate," above the signature of the instructor and the printed names of the course provider and instructor.

(b) Upon completion of a course, each attendee shall receive from the course provider a certificate measuring 8 1/2 inches by 11 inches, displaying the following: the time, date and address of the course session; name of the course; number of course hours attended; the name of the course provider and instructor, and bureau course identification number.

(6) Advertising Continuing Education Courses.

(a) A course provider may not advertise a course as approved by the bureau until such approval is granted.

(b) A course provider may not misrepresent or include false or misleading information regarding the contents, instructors or number of hours of any course approved under this rule.

(c) The course provider must include the bureau course identification number in any advertising used in connection with the course, and any other materials used in connection with the course including but not limited to the syllabus or other instructional materials.

(7) Continuing Education Exemption for Certain Military Personnel.

A licensee who is a member of the Armed Forces of the United States or is called to active duty with the Armed Forces of the United States and is caused to be absent from the State of Florida because of duties with the armed forces lasting 180 days or longer shall be exempt from all continuing education requirements under these rules during such absence. The licensee must show proof to the Bureau of the absence and the licensee's military status.

Specific Authority 399.001, 399.01(17), 399.02(6), 399.049 FS. Law Implemented 399.01(17) FS. History--New _____.

61C-5.0085 Definitions.

When used in this rule, the following terms shall have these meanings:

(1) "Bureau" means the Bureau of Elevator Safety.

(2) "Course" means a course, seminar or other program of instruction approved by the bureau for the purpose of satisfying continuing education requirements established in Chapter 399, Florida Statutes.

(3) "Course hour" means fifty minutes of instruction, exclusive of breaks, recesses, or time not spent in instruction.

(4) "Course provider" means the person or entity approved by and registered with the bureau pursuant to this rule and who is responsible for conducting a course approved pursuant to this rule.

(5) "Course instructor" means the person appointed by the course provider to actually conduct an approved course.

(6) "Session" means each distinct occasion a course is conducted.

(7) "Syllabus" means a detailed outline of the course content to a level of detail that sufficiently demonstrates the relevance required by subsection 61C-5.008(3), F.A.C.

Specific Authority 399.01(17), 399.02(6) FS. Law Implemented 399.01(17) FS. History--New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Disciplinary Guidelines RULE NO.: 61J1-8.001

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to clarify or modify the disciplinary guideline recommendations.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to disciplinary guidelines.

SPECIFIC AUTHORITY: 455.2273, 475.614 FS.

LAW IMPLEMENTED: 455.227, 475.622, 475.624, 475.626 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, December 3, 2002

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori

Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Demonstrating Knowledge of Laws and Rules for Licensure
RULE NO.: 64B4-3.0035

PURPOSE AND EFFECT: The Board proposes to review the standards on interactive discussion for future on-line courses.

SUBJECT AREA TO BE ADDRESSED: Laws and Rules for Licensure.

SPECIFIC AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.005(1)(e) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Terms of Probation
RULE NO.: 64B4-5.008

PURPOSE AND EFFECT: The Board proposes to review standards for qualified supervisors and other terms of probation.

SUBJECT AREA TO BE ADDRESSED: Terms of Probation.

SPECIFIC AUTHORITY: 491.004(5), 456.079 FS.

LAW IMPLEMENTED: 456.079, 491.009 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue

Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Approved Courses for Continuing Education
RULE NO.: 64B4-6.002

PURPOSE AND EFFECT: The Board proposes to review the continuing education credits field instructors receive.

SUBJECT AREA TO BE ADDRESSED: Approved Courses for Continuing Education.

SPECIFIC AUTHORITY: 456.013(6), 491.004(5), 491.0085 FS.

LAW IMPLEMENTED: 456.013(6), 491.0085(1), 491.007(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Definition of "Licensed Clinical Social Worker, or the Equivalent, Who is a Qualified Supervisor"
RULE NO.: 64B4-11.007

PURPOSE AND EFFECT: The Board proposes to discuss and review this entire chapter to determine if amendments and/or new rules are necessary pertaining to all matters concerning the requirements for qualified supervisors for a Social Worker.

SUBJECT AREA TO BE ADDRESSED: Definitions Applicable to Social Work.

SPECIFIC AUTHORITY: 491.004(5), 491.005(1)(c) FS.

LAW IMPLEMENTED: 491.005(1)(c) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Definition of “a Licensed Marriage and Family Therapist with at Least Five Years Experience or the Equivalent, Who is a Qualified Supervisor”

RULE NO.: 64B4-21.007

PURPOSE AND EFFECT: The Board proposes to discuss and review this entire chapter to determine if amendments and/or new rules are necessary pertaining to all matters concerning the requirements for qualified supervisors for a Marriage and Family Therapist.

SUBJECT AREA TO BE ADDRESSED: Definitions Applicable to Marriage and Family Therapy.

SPECIFIC AUTHORITY: 491.004(5), 491.005(3)(c), 491.003 FS.

LAW IMPLEMENTED: 491.005(3)(c) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Definition of a “Licensed Mental Health Counselor or the Equivalent Who is a Qualified Supervisor”

RULE NO.: 64B4-31.007

PURPOSE AND EFFECT: The Board proposes to discuss and review this entire chapter to determine if amendments and/or new rules are necessary pertaining to all matters concerning the requirements for qualified supervisors for a Mental Health Counselor.

SUBJECT AREA TO BE ADDRESSED: Definitions Applicable to Mental Health Counseling.

SPECIFIC AUTHORITY: 491.004(5), 491.005(4)(c) FS.

LAW IMPLEMENTED: 491.005(4)(c) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLES: Definitions

RULE NOS.: 65A-1.701

SSI-Related Medicaid Coverage Groups 65A-1.710

SSI-Related Medicaid Non-Financial Eligibility Criteria 65A-1.711

SSI-Related Medicaid Resource Eligibility Criteria 65A-1.712

SSI-Related Medicaid Income Eligibility Criteria 65A-1.713

PURPOSE AND EFFECT: These rule amendments implement the Cystic Fibrosis Home and Community-Based Services Waiver program.

SUBJECT AREA TO BE ADDRESSED: These proposed amendments provide a definition for the Cystic Fibrosis HCBS Waiver program. Additionally, these amendments establish coverage group criteria, provide the non-financial criteria (living setting, residence, age, disability, etc.) and income and asset criteria that must be met to establish program eligibility.

SPECIFIC AUTHORITY: 409.919 FS.
 LAW IMPLEMENTED: 409.902, 409.904, 409.906, 409.919 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 10:00 a.m., December 12, 2002
 PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, Building 3, Room 421, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)488-3090
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
 Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: List of Approved Forms; Incorporation
 RULE NO.: 3F-5.010
 PURPOSE AND EFFECT: The Board proposes this rule to encompass all forms utilized by the Board of Funeral and Cemetery Services.
 SUMMARY: This rule sets out all of the forms used within the Funeral and Cemetery Services rules.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.
 Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
 SPECIFIC AUTHORITY: 120.53(1)(b), 120.536, 120.54, 120.60(2), 497.003, 497.103, 497.105, 497.127, 497.201, 497.209, 497.213, 497.237, 497.245, 497.257, 497.301, 497.305, 497.309, 497.329, 497.337, 497.357, 497.405, 497.407, 497.413, 497.417, 497.419, 497.421, 497.425, 497.427, 497.429, 497.431, 497.439 FS.
 LAW IMPLEMENTED: 497.103, 497.201, 497.209, 497.213, 497.237, 497.301, 497.337, 497.405, 497.407, 497.439, 497.245 FS.
 IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, FL 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-5.010 List of Approved Forms; Incorporation.
 The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Bureau of Funeral and Cemetery Services, 101 E. Gaines St., Tallahassee, Florida 32399-0350, or by telephoning (850)410-9898:

- 3F-5.010 Rule references:
- (1) DBF-COA-1, entitled "Application for Certificate of Authority." (2/7/95).
 - (2) DBF-HistS 7/01, entitled "Historical Sketch."
 - (3) DBF-COAB 12/00, entitled "Application for Certificate of Authority Branch Office License." (9/18/01).
 - (4) DBF-COAT1, entitled "Application for Transfer of a Certificate of Authority" (5/13/97).
 - (5) DBF-RTF-1, entitled "Preneed Funeral Contract Regulatory Trust Fund Remittance." (5/13/97).
 - (6) DBF-PNS-1, entitled "Registration of a Preneed Sales Agent." (4/25/94).
 - (7) DBF-CEMN 7/01, entitled "Application to Organize a New Cemetery Company."
 - (8) DBF-F-32 10/91, entitled "Financial Statement." (10/23/91).
 - (9) DBF-CEM 1/96 REV 7/01, entitled "Application to Transact Cemetery Business."
 - (10) DBF-F-35, entitled "Application for Authority to Acquire Control of an Existing Cemetery Company." (10/23/91).
 - (11) DBF-BYLAWS1, entitled "Pamphlet for Cemetery By-Law Approval." (6/1/99).
 - (12) DBF-EW-1, entitled "Examination Workpapers – Rule 3F-6.0052, F.A.C." (1/1/99).
 - (13) DBF-F-43, entitled "Performance Bond – Mausoleums or Below-Ground Crypts."
 - (14) DBF-C-1, entitled "Application to Use a Letter of Credit or Surety Bond." (3/20/91).
 - (15) DBF-C-2, entitled "Surety Bond." (Rev 9/99).
 - (16) DBF-C-3, entitled "Letter of Credit/Surety Bond Claim Form." (3/20/91).
 - (17) DBF-TFR-1, entitled "Preneed Funeral Contract Consumer Protection Trust Fund Remittance." (5/23/94).
 - (18) DBF-TFD-1, entitled "Preneed Funeral Contract Consumer Protection Trust Fund Proof of Claim and Disbursement Request." (6/01).