

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-144.007
 RULE TITLE: Credit for Reinsurance From Eligible Reinsurers

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 14, April 4, 2008 issue of the Florida Administrative Weekly.

These changes are being made in response to comments by JAPC.

Subsection (6) now reads as follows:

(6) In addition to the trust fund required under paragraph (3)(c) of Section 624.610, F.S., the commissioner shall permit an assuming insurer that maintains a trust fund in a qualified United States financial institution, as that term is defined in paragraph (5)(b) of Section 624.610, F.S., for the payment of the valid claims of its United States cedent insurers and their assigns and successors in interest to also maintain in a qualified United States financial institution a trust fund constituting a trustee amount at least equal to the collateral required in accordance with subsection (4) of this rule to secure the liabilities attributable to United States cedent insurers under reinsurance policies (contracts) entered into or renewed by such assuming insurer on or after the effective date of this rule or such other date as may be established in other states for cedent insurers domiciled in such states, but only when maintenance of such a trust fund serves to protect the interests of the public and the interests of insurer solvency.

Subparagraph (8)(a)3. now reads as follows:

3. A report that provides information to the office as to its ceded and ceding insurance; the information may be provided in the form of the NAIC Property and Casualty Annual Filing Blank Schedule F, or in any manner that provides the Office with the same information about its ceded and ceding insurance that is disclosed by the NAIC Property and Casualty Annual Filing Blank Schedule F;

Subsection (13) now reads as follows:

(13)(a) Upon the entry of an order of rehabilitation, liquidation, or conservation against the ceding insurer, pursuant to Chapter 631, Part I, F.A.C., or the equivalent law of another jurisdiction, an eligible reinsurer, within 30 days of the order, shall fund the entire amount that the ceding insurer has taken, as an asset or deduction from reserves, for reinsurance recoverable from the eligible reinsurer. The insurer may request a variance and waiver from this provision as provided by Section 120.542, F.S.

(b) If an eligible reinsurer fails to comply on a timely basis with paragraph (a) of this subsection, the Commissioner shall withdraw the reinsurer’s eligibility under this rule.

The remainder of the rule reads as previously published.

**Section IV
 Emergency Rules**

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: 12DER08-19
 RULE TITLE: Repeal of Rule 12DER07-06 Relating to 2007 Millage Levy Compliance

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2007-321, Laws of Florida, authorized the Department of Revenue to adopt emergency rules that could remain in effect for 18 months and that could be renewed. This act further provided that all conditions imposed by Chapter 120, Florida Statutes were deemed to be met.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the Department of Revenue to adopt emergency rules that implement the provisions of Chapter 2007-321, Laws of Florida. The law provides that these emergency rules remain in effect for a period of 18 months and that they may be renewed. Emergency Rule 12DER07-06, Information for Municipal Service Taxing Units and Special Districts Dependent to a County, the Predominant Function of Which is the Provision of Emergency Medical or Fire Rescue Services (effective June 29, 2007), is being repealed because it was applicable only for year 2007, and is not applicable to years past 2007. New requirements of Chapter 2008-173 (Senate Bill 1588), Laws of Florida, as passed by the 2008 Legislature, have replaced the provisions applicable in previous years.

SUMMARY: The purpose of Rule 12DER08-19 is to repeal Rule 12DER07-06, Information for Municipal Service Taxing Units and Special Districts Dependent to a County, the Predominant Function of Which is the Provision of Emergency Medical or Fire Rescue Services, (effective June 29, 2007) relates to 2007 millage levy compliance.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Renee Harkins, Department of Revenue, Property Tax Technical Unit, 725 S. Calhoun Street, Tallahassee, Florida 32399-0100; telephone (850)414-6104; Fax (850)488-9482; email address: harkinre@dor.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

12DER08-19 Repeal of Rule 12DER07-06 Relating to 2007 Millage Levy Compliance.

The following rule is hereby repealed: Rule 12DER07-06, Information for Municipal Service Taxing Units and Special Districts Dependent to a County, the Predominant Function of Which is the Provision of Emergency Medical or Fire Rescue Services (effective June 29, 2007).

Specific Authority Section 9 of Ch. 2007-321, L.O.F. Law Implemented Sections 1 through 11 of Ch. 2007-321, L.O.F. History–New 7-2-08.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: July 2, 2008

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT on June 30, 2008, the Department of Community Affairs, received a petition for waiver on June 30, 2008, from the Town of Horseshoe Beach. The Petitioner has requested a waiver of that portion of paragraph 9B-43.005(8)(a), Florida Administrative Code, which requires that any procurement which must be publicly noticed allow at least 12 days for receipt of the bids or proposals. When the Petitioner advertised to procure its construction contractor for the CDBG subgrant, it failed to allow 12 full days from the date of publication. It has been assigned the number DCA08-WAI-183.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT on June 27, 2008, the Department of Community Affairs has issued an order.

The Order Denying Petition for Variance was issued in response to a Petition for Variance filed by the City of Cocoa on April 1, 2008. Notice of receipt of the Petition was published in the Florida Administrative Weekly on May 2, 2008. Petitioner sought a variance from Chapter 9J-33, F.A.C., which sets forth a schedule of deadlines for adoption of the Evaluation and Appraisal Report (EAR). The purpose of the

statute that underlies the rule is to ensure timely adoption of the EAR. Petitioner did not demonstrate that the purpose of the underlying statute – timely adoption of the EAR – has been or will be achieved by the City by other means if the variance were granted. Petitioner also did not demonstrate that application of the schedule would create a substantial hardship or would violate principles of fairness.

A copy of the Order may be obtained by contacting: Paula Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida, 32399.

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on July 2, 2008, the Criminal Justice Standards and Training Commission, received a petition for waiver of subparagraph 11B-20.0014(3)(b)2., F.A.C., from the Florida Highway Patrol. This rule requires that Speed Measurement instructors be certified and that officers taking Speed Measurement instruction become certified prior to operating any visual speed computer device.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302-1489, (850)410-7676.

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WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on June 25, 2008, the St. Johns River Water Management District, received a petition for variance from Indian River County in relation to Environmental Resource Permit Application 4-061-114751-1 to construct replacement boat ramp improvements and a fishing pier in Indian River County. Pursuant to Section 373.414(17), F.S., the petitioner is seeking a variance from paragraph 40C-4.302(1)(c), F.A.C., and Sections 10.1.1(c), 12.1.1(d) and 12.2.5(c) of the Applicant’s Handbook: Management and Storage of Surface Waters. These rules are designed to protect Class II or Class III waters which are classified as approved, restricted, conditionally approved or conditionally restricted for shellfish harvesting and require permit applicants to comply with the additional criteria when the proposed work is located in such waters. The petitioner seeks the variance to construct replacement boat ramp improvements and a fishing pier. The work is proposed to occur directly in the Indian River, which in this area is a Class II water. Comments on this petition should be filed with Robert Nawrocki, District Clerk, St. Johns River Water Management