

Development District ("Westchase East CDD"). On January 5, 2010, the Board of Supervisors for the Westchase CDD and the Westchase East CDD each adopted resolutions approving a merger agreement. The merger agreement, among other things, makes provision for the filing of a petition, the proper allocation of the indebtedness, and the manner in which debt is to be retired. The merger agreement is contained as Exhibit A to the Petition. Westchase CDD currently covers approximately 741 acres of land located entirely within Hillsborough County, Florida. Westchase East CDD currently covers approximately 972 acres of land located entirely within Hillsborough County, Florida. General location maps are contained as Exhibit 2 to the Petition. Pursuant to section 190.046(3), F.S., the approval of a Merger Agreement and Petition by the Districts' Board of Supervisors constitutes consent of the landowners within the Districts. Westchase CDD will be the surviving District and the development plan that exists today will remain the same.

SUBJECT AREA TO BE ADDRESSED: Merger of the Westchase Community Development District and the Westchase East Community Development District.

RULEMAKING AUTHORITY: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 FS.

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

DATE AND TIME: Tuesday, May 31, 2011, 2:00 p.m.

PLACE: The Capitol, Room 2107, Tallahassee, Florida 32399-0001

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least two days before the workshop/meeting by contacting: Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

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

Section II Proposed Rules

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.:

RULE TITLE:

2A-8.005

Adjustments to Reflect Consumer

Price Index

PURPOSE AND EFFECT: The proposed rule amendments are intended to reflect changes to benefits with regard to the recent changes in the Consumer Price Index.

SUMMARY: The proposed rule amendments reflect revised benefit payments in response to adjustments to the Consumer Price Index.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 112.19 FS.

LAW IMPLEMENTED: 112.19 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2A-8.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.19(2)(j), F.S., requires the Bureau to adjust the statutory amount on July 1 of each year based on the Consumer Price Index for all urban consumers published by the United States Department of Labor, using the most recent figures available. The Bureau will utilize the previous March Consumer Price Index published by the United States Department of Labor and the benefits shall be adjusted from the benefit amount of the year before.

(2) The Consumer Price Index amount in March 2011 ~~2010~~ increased 2.7 ~~2.3~~ percent. Therefore, the statutory amount for the period July 1, 2011 ~~2010~~ through June 30, 2012 ~~2011~~, is:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2); \$62,465.39 ~~\$60,823.16~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2); ~~\$62,465.39~~ ~~\$60,823.16~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2); ~~\$187,396.07~~ ~~\$182,469.37~~.

Rulemaking Authority 112.19 FS. Law Implemented 112.19 FS. History—New 12-10-03, Amended 8-17-04, 7-26-05, 7-26-06, 7-15-07, 7-20-08, 7-20-09, 7-4-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Rick Nuss, Chief, Bureau of Criminal Justice Programs

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Bondi, Attorney General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 25, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 11, 2011

STATE BOARD OF ADMINISTRATION

RULE NOS.:

RULE TITLES:

19-8.015	Definitions Applicable to the 1995-1996 Contract Year
19-8.016	1995 Reimbursement Premium Formula
19-8.017	Insurer Reporting Requirements for the 1995-1996 Contract Year
19-8.018	Definitions Applicable to the 1996-1997 Contract Year
19-8.019	1996 Reimbursement Premium Formula
19-8.020	Insurer Reporting Requirements for the 1996-1997 Contract Year
19-8.021	Definitions Applicable to the 1997-1998 Contract Year
19-8.022	1997 Reimbursement Premium Formula
19-8.023	Insurer Reporting Requirements for the 1997-1998 Contract Year
19-8.024	Definitions Applicable to the 1998-1999 Contract Year
19-8.025	1998 Reimbursement Premium Formula
19-8.026	Insurer Reporting Requirements for the 1998-1999 Contract Year
19-8.027	Definitions Applicable to the 1999-2000 Contract Year

PURPOSE AND EFFECT: The State Board of Administration, Florida Hurricane Catastrophe Fund, seeks to repeal the rules listed above as obsolete.

SUMMARY: These rules are being repealed as obsolete since the final payments for losses have been made relative to the Contract Years covered by the rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7), (10), (16), (17) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tracy Allen, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1341 or tracy.allen@sbafla.com

THE FULL TEXT OF THE PROPOSED RULES IS:

19-8.015 Definitions Applicable to the 1995-1996 Contract Year.

Rulemaking Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 11-12-95, Repealed _____.

19-8.016 1995 Reimbursement Premium Formula.

Rulemaking Specific Authority 215.555(3) FS. Law Implemented 215.555(5) FS. History—New 11-12-95, Repealed _____.

19-8.017 Insurer Reporting Requirements for the 1995-1996 Contract Year.

Rulemaking Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 11-12-95, Repealed _____.

19-8.018 Definitions Applicable to the 1996-1997 Contract Year.

Rulemaking Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 8-6-96, Repealed _____.

19-8.019 1996 Reimbursement Premium Formula.

Rulemaking Specific Authority 215.555(3) FS. Law Implemented 215.555(5) FS. History—New 8-6-96, Amended 2-17-97, Repealed _____.

19-8.020 Insurer Reporting Requirements for the 1996-1997 Contract Year.

Rulemaking Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 8-6-96, Amended 2-17-97, Repealed _____.

19-8.021 Definitions Applicable to the 1997-1998 Contract Year.

Rulemaking Specific Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History–New 6-19-97, Repealed.

19-8.022 1997 Reimbursement Premium Formula.

Rulemaking Specific Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History–New 6-19-97, Repealed.

19-8.023 Insurer Reporting Requirements for the 1997-1998 Contract Year.

Rulemaking Specific Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History–New 6-19-97, Repealed.

19-8.024 Definitions Applicable to the 1998-1999 Contract Year.

Rulemaking Specific Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History–New 5-28-98, Repealed.

19-8.025 1998 Reimbursement Premium Formula.

Rulemaking Specific Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History–New 5-28-98, Amended 12-3-98, Repealed.

19-8.026 Insurer Reporting Requirements for the 1998-1999 Contract Year.

Rulemaking Specific Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History–New 5-28-98, Repealed.

19-8.027 Definitions Applicable to the 1999-2000 Contract Year.

Rulemaking Specific Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History–New 5-17-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jack E. Nicholson, FHCF Chief Operating Officer, State Board of Administration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 3, 2011

STATE BOARD OF ADMINISTRATION

RULE NO.:	RULE TITLE:
19-8.028	Reimbursement Premium Formula

PURPOSE AND EFFECT: This rule is promulgated to implement Section 215.555, Florida Statutes, regarding the Florida Hurricane Catastrophe Fund, for the 2011-2012 contract year.

SUMMARY: Proposed amended Rule 19-8.028, F.A.C., establishes the premium formula and adopts the rates for the 2011-2012 contract year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory costs has not been prepared by the agency for the rule listed above as there is no adverse impact on economic growth, private-sector job creating or employment, or private sector investment from the changes made to this rule. Further, there is no adverse impact on business competitiveness or innovation and no regulatory costs resulting from the changes made to this rule. There is no cost to other states, local governmental entities, small counties or small cities and no impact on state or local revenues from the changes made to this rule.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tracy Allen, Senior Attorney, Florida Hurricane Catastrophe Fund, State Board of Administration, P.O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1341, tracy.allen@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.028 Reimbursement Premium Formula.

(1) through (2)(b) No change.

(c) Citizens Property Insurance Corporation or “Citizens” means the entity formed under Section 627.351, F.S., and refers to both Citizens Property Insurance Corporation High Risk Account and Citizens Property Insurance Corporation Personal Lines and Commercial Lines Accounts.

(d) through (e) No change.

(f) Data Call means the annual reporting of insured values forms. These forms, incorporated into and adopted by Rule 19-8.029, F.A.C., are the FHCF-D1A for the Contract Years after the 2002/2003 Contract Year year and the FHCF-D1A and the FHCF-D1B for the Contract Year 2002/2003 and all prior Contract Years years.

(g) through (3)(l) No change.

(m) For the 2010-2011 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2010 Ratemaking Formula Report Presented to the State Board of Administration of Florida, March 18, 2010" is hereby adopted and incorporated by reference into this rule. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 13, 2010, are hereby adopted and incorporated by reference in Form FHCF-Rates 2010, "Florida Hurricane Catastrophe Fund Proposed 2010 Rates; Presented to the State Board of Administration of Florida, March 18, 2010" and is hereby adopted and incorporated by reference into this rule. These incorporated documents may be obtained directly from the SBA website: www.sbafla.com/fhcf or by contacting the SBA by mail, P. O. Box 13300, Tallahassee, FL 32317-3300, with a request for the documents.

(n) For the 2011-2012 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2011 Ratemaking Formula Report Presented to the State Board of Administration of Florida, March 17, 2011" is hereby adopted and incorporated by reference into this rule. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on May 3, 2011, are hereby adopted and incorporated by reference in Form FHCF-Rates 2011, "Florida Hurricane Catastrophe Fund Proposed 2011 Rates, Presented to the State Board of Administration of Florida March 17, 2011" is hereby adopted and incorporated by reference into this rule. These incorporated documents may be obtained directly from the SBA website: www.sbafla.com/fhcf or by contacting the SBA by mail, P. O. Box 13300, Tallahassee, FL 32317-3300, with a request for the documents.

(4)(a) through (c) No change.

(d) Specialized Fine Arts Risks. Any policy or endorsement exclusively covering Specialized Fine Arts Risks and not covering any residential structure and/or contents thereof other than such specialized fine arts items covered in the fine arts policy, shall be exempt from the Fund as a risk meeting specialized loss control requirements if the insurer employs underwriting criteria and requires its policyholders to adhere to subparagraphs 1. through 7., immediately below. For purposes of the exemption in this paragraph, a "Specialized Fine Arts Risk" is a policy or endorsement which insures paintings, works on paper, etchings, art glass windows, pictures, statuary, sculptures, tapestries, antique furniture, antique silver, antique rugs, rare books, and other bona fide works of art, of rarity, of historic value, or artistic merit; which charges a minimum pPremium of \$500; which insures scheduled items valued, in the aggregate, at no less than \$100,000; and which requires an investment by the insured in loss control measures to protect the Specialized Fine Arts Risks being insured.

1. The policyholder must demonstrate a willingness and determination to reduce the probability of loss.

2. The insurer must perform a periodic and thorough specialized inspection and must provide a specialized loss prevention service designed to prevent or minimize loss.

3. Insurable values must be sufficient to produce a pPremium amount to warrant the furnishing of special inspection and loss prevention service by the insurer. For purposes of this rule, the insurable value of the scheduled items must be, in the aggregate, no less than \$100,000 and the minimum pPremium amount must be no less than \$500.

4. through (5) No change.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History—New 9-20-99, Amended 7-3-00, 9-17-01, 7-17-02, 7-2-03, 7-29-04, 7-17-05, 7-6-06, 7-17-07, 6-16-08, 8-2-09, 7-8-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jack E. Nicholson, FHCF Chief Operating Officer, State Board of Administration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 3, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2010, Vol. 36, No. 36

DEPARTMENT OF MANAGEMENT SERVICES

E911 Board

RULE NO.: 60FF1-5.002
RULE TITLE: Rural County Grants

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify procedures for applying for rural county grants and to modify W Form 1A, "Application for the E911 Rural County Grant Program."

SUMMARY: The rule amendment will delete unnecessary language and add new language to clarify procedures for applying for rural county grants and to modify W Form 1A, "Application for the E911 Rural County Grant Program."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule. The following is a summary of the SERC:

- The proposed change would not have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.
- The proposed change would not have an impact on business competitiveness.

- Costs are limited to the calculation and processing costs for returning any excess funds.
- No effect on state or local revenue is expected.
- The proposed change is not expected to impact small business, small counties or small cities.

Additionally, it has been determined that the rule does not meet the threshold for ratification by the Legislature.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 365.172(6)(a)11, FS.

LAW IMPLEMENTED: 365.172(9)(a), (b), (c), 365.173(2)(g) FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ryan Butler, E911 Board, 4030 Esplanade Way, Suite 160Q, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF1-5.002 Rural County Grants.

The E911 Rural County Grant program is a semi-annual grant program provided for the purpose of assisting rural counties, as defined by Section 365.172(3)(y), F.S., with the installation and maintenance of an Enhanced 911 (E911) system.

(1) No change.

(2) General conditions.

(a) Each rural county applying for rural county grant funds shall complete and submit W Form 1A, "Application for the E911 Rural County Grant Program," effective 1/1/2011 ~~7/1/2010~~, which is incorporated herein by reference and which may be obtained from the E911 Board office at the following address:

State of Florida E911 Board
ATTN: Administrative Assistant
4050 Esplanade Way
Building 4030 – Suite 160
Tallahassee, Florida 32399-0950

The applicant must provide one original of the pages for Application Form items 1 through 14 ~~10~~ and the associated quotes for the grant application postmarked or delivered on or before April 1 ~~March 1~~ or October 1 of each year, dependent on the spring or fall ~~or spring~~ application period.

(b) through (c) No change.

(d) Grant applications totaling \$35,000.00 ~~\$25,000.00~~ or more must be accompanied by at least three written substantiated competitive quotes from different vendors. The E911 Board will compare the three quotes to any existing state contract in order to determine appropriate funding. Any county

that has made a good faith effort to obtain at least three competitive quotes and has not been able to obtain the quotes can request E911 Board review based on substantiated proof of request for quotes or posting of the request with documentation of the limited responses.

(e) Sole source funding will be considered on a case-by-case basis. Justification for sole source funding shall be provided with the application. Sole source funding will be approved if provided in accordance with Chapter 287, F.S., or with provision of a letter from the county's purchasing department that the project is a sole source procurement based on the county's purchasing requirements, which ~~the letter~~ should be provided with this grant application.

(f) through (j) No change.

(k) Grantee counties must submit quarterly reports to the E911 Board, summarizing the expenditures and activities of the grant funds. The reports are due 30 days after the end of the reporting period, which ends March 31, June 30, September 30, and December 31. In lieu of submitting a signed quarterly Grant Budget/Expenditure and Quarterly Report Form, the updated form can be e-mailed to the Board's administrative/technical staff. The quarterly and final reports will be considered late if not received by the Board Staff prior to the next scheduled Board Meeting after the due date.

(l) through (n) No change.

(o) Grant awards will be withheld for any county that has a grant with a past-due quarterly report or past-due final documentation and closeout, ~~final documentation and closeout~~ of previous rural county grant awards ~~grants~~.

(p) through (q) No change.

(3) The Rural County Grant program will operate on the following two schedules:

(a) Spring Schedule:

1. Counties submit applications: by April 1 ~~March 1~~;

2. E911 Board evaluates applications: April ~~March~~ – May ~~April~~;

3. Board votes on applications at regularly scheduled meetings: April ~~March~~ – June;

4. Board sends notification of award and issues checks to counties approved for funding: before June 30;

5. Implementation period: One ~~one~~ year from ~~from~~ receipt of award of ~~and~~ funds;

6. Expiration of the right to incur costs: Two years from receipt and award of funds.

(b) Fall Schedule:

1. through 3. No change.

4. Board sends notification of award and issues checks to counties approved for funding: before December 30;

5. Implementation period: One ~~one~~ year from ~~from~~ receipt of award of ~~and~~ funds;

6. No change.

Rulemaking Authority 365.172(6)(a)11. FS. Law Implemented 365.173(2)(g), 365.172(9)(a), (b), (c) FS. History—New 12-7-08, Amended 10-19-09, 4-15-10, 10-27-10, Formerly 60FF-5.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Department of Management Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E911 Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 16, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 1, 2011

DEPARTMENT OF MANAGEMENT SERVICES

E911 Board

RULE NO.:
60FF1-5.006

RULE TITLE:
Requirements for County Carry Forward Funds and Excess Funding

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and add new language to modify definitions and the procedures for the requirements for county carry forward funds and excess funding and to update Form 6A, "County Carry Forward Funds and Excess Funding Form"; and to renumber the rule accordingly.

SUMMARY: The rule amendment will delete unnecessary language and add new language to modify definitions and the procedures for the requirements for county carry forward funds and excess funding and to update Form 6A, "County Carry Forward Funds and Excess Funding Form"; and to renumber the rule accordingly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule. The following is a summary of the SERC:

- The proposed change would not have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.
- The proposed change would not have an impact on business competitiveness.
- Costs are limited to the calculation and processing costs for returning any excess funds.
- No effect on state or local revenue is expected.
- The proposed change is not expected to impact small business, small counties or small cities.

Additionally, it has been determined that the rule does not meet the threshold for ratification by the Legislature.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 365.172(6)(a)11. FS.

LAW IMPLEMENTED: 365.173(2)(c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ryan Butler, E911 Board, 4030 Esplanade Way, Suite 160Q, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF1-5.006 Requirements for County Carry Forward Funds and Excess Funding.

The carry forward funding provision provides counties with the ability to carry forward funding for E911 capital outlay, capital improvements, or equipment replacement expenditures. The excess recovery provision provides a 30 percent limitation on the total E911 fee revenue retained during a calendar year as carry forward. Any overage not utilized by the County for allowable E911 expenditures shall be returned to the E911 Board in accordance with this rule.

(1) No change.

(2) General conditions: All counties shall provide financial information on the calendar year fee revenues received, the county calendar year E911 expenditures and the carry forward amount for the calendar year. The information shall be provided on the E911 Board Form 6A, "County Carry Forward Funds and Excess Funding Form," effective 3/10/2011 ~~07/02/2010~~, which is incorporated herein by reference and which may be obtained on the Florida E911 website at URL <http://florida911.myflorida.com/> or from the E911 Board office at the following address:

State of Florida E911 Board
Attn: Administrative Assistant
4050 Esplanade Way, Building 4030 – Suite 160
Tallahassee, Florida 32399-0950

(3) Definitions.

(a) Fixed Capital Outlay: Real property (land, buildings, including appurtenances, fixtures and fixed equipment, structures, etc.), including additions, replacements, major repairs, and renovations to real property which materially extend its useful life or materially improve or change its functional use and including furniture and equipment necessary to furnish and operate a new or improved facility.

(b) Operating Capital Outlay: Equipment, fixtures and other tangible personal property of a non-consumable nature and has a normal expected life of one year or more.

(c) Capital Improvements: Improvement costs increasing the useful life or value of the asset. Capital improvements are accounted for as assets and do not include deductible minor improvements or repairs which are expenses. These items can include building modifications necessary to maintain the

security and environmental integrity of the PSAP and E911 equipment rooms specifically listed in the Section 365.172(9)(c), F.S.

(d) Equipment Replacement: Replacement of 911 equipment specifically listed in the Section 365.172(9), F.S., as allowable expenditures.

(4)(3) Carry Forward Funding and Excess Recovery Parameters: The county shall determine the calculated total fee revenue funding disbursed to the county by the E911 Board during a calendar year.

(a) The 30 percent limitation does not apply to funds disbursed to a county:

1. through 4. No change

5. Through Special Disbursement – Disbursed under Section 365.172(6)(a)3.e., F.S.

(b) When determining carry forward, a county's permissible E911 costs equals the total of the E911 fee expenditures and the county revenue expenditures for authorized E911 expenditures described in Sections 365.173(2)(a)1. ~~and 2.~~, F.S., which includes Section 365.172(9), F.S., costs. The following items can be included in the authorized calendar year E911 expenditures subject to the conditions contained here-in.

1. No change.

2. If the funds are encumbered for an a E911 capital expenditure project that is in the procurement process, which was scheduled to be under contract by the end of the calendar year, and has been delayed but will be under contract by the end of the current fiscal year.

(5)(4)Excess recovery.

(a) Any excess calendar year E911 funding greater than the county's total expenditures for permissible E911 costs described in paragraph (4)(3)(b), including the 30 percent carry forward allowance, must be returned to the E911 Board. Counties shall deliver revenues from the fee to the E911 Board within 120 days after the end of the calendar year. If unused in a project in accordance with sub-subparagraph (4)(3)(b)1. and (4)(3)(b)2., the fee revenue shall be returned within 60 days of project completion. If a project is not under contract ~~a project~~ in accordance with sub-subparagraph (4)(3)(b)2., the fee revenue shall be returned by the end of the fiscal year.

(b) through (c) No change.

Rulemaking Authority 365.172(6)(a)11. FS. Law Implemented 365.173(2)(c) FS. History–New 10-6-09, Amended 10-27-10, Formerly 60FF-5.006, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Department of Management Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E911 Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 2010

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NO.:	RULE TITLE:
5L-1.007	Container Identification, Terminal Sale Date; Prohibitions
5L-1.008	Shellfish Handling

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 16, April 22, 2011 issue of the Florida Administrative Weekly.

An incomplete summary of the Statement of Estimated Regulatory Costs was included in the original notice. The summary should have read:

The agency has determined that this rulemaking will have an adverse impact on small businesses, but is not likely to directly or indirectly increase regulatory costs in excess of \$200,000.00 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency which states in part: The proposed rule amendment will limit the time oyster harvesters can harvest oysters during certain months of the year. Full or part-time oyster harvesters who are unable to be on the water to harvest in the morning will be impacted by the time controls. This may result in harvesters having fewer bags to sell to processors on a daily basis. Under the rule amendments, in no month is there less than 4 hours allowed for harvesting. Therefore, all harvesters will be able to continue procuring product if they are on the water early in the morning. By contrast, if the rule is not adopted, the U.S. Food and Drug Administration, acting through the Interstate Shellfish Sanitation Conference, may ban the interstate shipment of oysters harvested in Florida. Such an action would have a significant adverse economic impact on Florida's oyster industry. There are an estimated 1,500 commercial oyster harvesters in the state, a significant number of which are located in the Apalachicola Bay area and are licensed by the Department. Based on boat counts conducted over several years, there is an average of 170 boats harvesting in Apalachicola per day. In addition, there are 51 certified shellfish dealers who receive oysters directly from harvesters daily. 36 of these are considered small to very small processors