

The Notice of Proposed Rule referenced incorrect information regarding the Summary of Statement of Estimated Regulatory Costs. The summary has been corrected to read as follows:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has been prepared by the agency.

Section IV Emergency Rules

STATE BOARD OF ADMINISTRATION

RULE NO.: 19ER11-2
RULE TITLE: Reimbursement Contract

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Emergency Rule 19ER11-2 (19-8.010), Reimbursement Contract, implements statutory changes made by CS/CS/CS/SB 408. Specifically, this legislation changes the definition of “losses” which are reimbursable by the Florida Hurricane Catastrophe Fund (FHCF) and makes these changes effective for the 2011/2012 Contract Year which began on June 1, 2011. Therefore, time is of the essence in getting the incorporated forms amended and in effect as soon as possible.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Hurricane Season began on June 1st and using the emergency rule process is the only way to implement the new legislation immediately. The emergency rule was authorized at a published meeting open to the public and is posted to the FHCF’s website.

SUMMARY: The legislation changes the definition of “losses”, effective for the 2011/2012 Contract Year. Losses now covered by the FHCF are “all incurred losses under covered policies....” New language specifically includes “amounts paid as fees on behalf of or inuring to the benefit of a policyholder.” New language specifically excludes losses under liability coverages, property losses that are proximately caused by any peril other than a covered event, amounts paid as the result of a voluntary expansion of coverage by the insurer, amounts paid to reimburse a policyholder for condominium association or homeowners’ association loss assessments, bad faith awards, punitive damage awards, other court-imposed fines, sanctions, or penalties, amounts in excess of the coverage limits under the covered policy and allocated or unallocated loss adjustment expenses.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jack E. Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration of Florida

THE FULL TEXT OF THE EMERGENCY RULE IS:

19ER11-2 (19-8.010) Reimbursement Contract.

(1) through (16) No change.

(17) The reimbursement contract for the 2011-2012 contract year, including all Amendments and Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2011K-“Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC #() and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 06/11 ~~04/11~~, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2011 through May 31, 2012.

(18) No change.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 11-13-05, 5-10-06, 9-5-06, 5-8-07, 8-13-07, 6-8-08, 9-2-08, 3-30-09, 8-23-09, 3-29-10, 8-8-10, 12-12-10, 6-17-11.

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: June 17, 2011

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS

The Department of Community Affairs hereby gives notice: that a Final Order Granting Petition for Waiver has been issued.

NAME OF PETITIONER: City of Clewiston

DATE PETITION WAS FILED: April 22, 2011. It was assigned the number DCA11-WAI-079.

THE RULE NUMBER AND NATURE OF THE RULE FROM WHICH A VARIANCE OR WAIVER IS SOUGHT: Paragraph 9B-43.0041(2)(d), F.A.C., states that eligible local governments with an open Economic Development subgrant whose activities and expenditures are on schedule and on time as of the opening of the funding cycle can apply for a CDBG subgrant.

A REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION: Vol. 37, No. 19, May 13, 2011, issue of the Florida Administrative Weekly.

THE DATE OF THE ORDER DENYING OR APPROVING THE VARIANCE OR WAIVER: June 16, 2011

THE GENERAL BASIS FOR THE AGENCY DECISION: Waiver of the rules furthers a stated purpose of the Small Cities Community Development Block Grant program: to provide