

By Senator Norman

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1                   A bill to be entitled  
2           An act relating to the repeal of administrative rules;  
3           amending s. 120.536, F.S.; providing for repeal of  
4           administrative rules upon the repeal of the law  
5           implemented; creating s. 120.555, F.S.; providing a  
6           process for summary repeal of administrative rules  
7           that are no longer in effect; nullifying specific  
8           administrative rules adopted by the Northwest Florida  
9           Water Management District, Suwannee River Water  
10          Management District, St. Johns River Water Management  
11          District, Southwest Florida Water Management District,  
12          South Florida Water Management District, the former  
13          Department of Commerce, the former Department of  
14          Health and Rehabilitative Services, Health Program  
15          Office, the former Advisory Council on  
16          Intergovernmental Relations, or the former Department  
17          of Labor and Employment Security; directing the  
18          Department of Health and the Department of Education  
19          to initiate necessary rulemaking before the effective  
20          date of specified rule nullifications; providing an  
21          effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25           Section 1. Present subsections (2) and (3) of section  
26           120.536, Florida Statutes, are renumbered as subsections (3) and  
27           (4), respectively, and a new subsection (2) is added to that  
28           section to read:

29           120.536 Rulemaking authority; repeal; challenge.—

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30 (2) Unless otherwise expressly provided by law:

31 (a) The repeal of one or more provisions of law implemented  
32 by a rule that on its face implements only the provision or  
33 provisions repealed and no other provision of law nullifies the  
34 rule. Whenever notice of the nullification of a rule under this  
35 subsection is received from the committee or otherwise, the  
36 Department of State shall remove the rule from the Florida  
37 Administrative Code as of the effective date of the law  
38 effecting the nullification and update the historical notes for  
39 the code to show the rule repealed by operation of law.

40 (b) The repeal of one or more provisions of law implemented  
41 by a rule that on its face implements the provision or  
42 provisions repealed and one or more other provisions of law  
43 nullifies the rule or applicable portion of the rule to the  
44 extent that it implements the repealed law. The agency having  
45 authority to repeal or amend the rule shall, within 180 days  
46 after the effective date of the repealing law, publish a notice  
47 of rule development identifying all portions of rules affected  
48 by the repealing law and if no notice is timely published the  
49 operation of each rule implementing a repealed provision of law  
50 shall be suspended until such notice is published.

51 (c) The repeal of one or more provisions of law that, other  
52 than as provided in paragraph (a) or paragraph (b), causes a  
53 rule or portion of a rule to be of uncertain enforceability  
54 requires the Department of State to treat the rule as provided  
55 by s. 120.555. A rule shall be considered to be of uncertain  
56 enforceability under this paragraph if the division notifies the  
57 Department of State that a rule or a portion of the rule has  
58 been invalidated in a division proceeding based upon a repeal of

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59 law, or the committee gives written notification to the  
60 Department of State and the agency having power to amend or  
61 repeal the rule that a law has been repealed creating doubt  
62 about whether the rule is still in full force and effect.

63 Section 2. Section 120.555, Florida Statutes, is created to  
64 read:

65 120.555 Summary removal of published rules no longer in  
66 force and effect.—When, as part of the continuous revision  
67 system authorized in s. 120.55(1)(a)1. or as otherwise provided  
68 by law, the Department of State is in doubt whether a rule  
69 published in the official version of the Florida Administrative  
70 Code is still in full force and effect, the procedure in this  
71 section shall be employed.

72 (1) The Department of State shall submit to the head of the  
73 agency with authority to repeal or amend the rule, if any, or if  
74 no such agency can be identified, to the Governor, a written  
75 request for a statement as to whether the rule is still in full  
76 force and effect. A copy of the request shall be promptly  
77 delivered to the committee and to the Attorney General. The  
78 Department of State shall publish a notice of the request  
79 together with a copy of the request in the Florida  
80 Administrative Weekly next available after delivery of the  
81 request to the head of the agency or the Governor.

82 (2) No later than 90 days after the date the notice  
83 required in subsection (1) is published, the agency or the  
84 Governor, notified pursuant to subsection (1), shall file a  
85 written response with the Department of State stating whether  
86 the rule is in full force and effect and under the jurisdiction  
87 of an agency with full authority to amend or repeal the rule.

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88 Failure to respond timely under this subsection constitutes an  
89 acknowledgement by the agency or the Governor that the rule is  
90 no longer in effect and is subject to summary repeal under this  
91 section.

92 (3) The Department of State shall publish a notice of the  
93 agency's or Governor's timely response or the acknowledgement  
94 determined under subsection (2) in the Florida Administrative  
95 Weekly next available after receipt of the response or the  
96 expiration of the response period, whichever occurs first.

97 (4) If the response states that the rule is no longer in  
98 effect, or if no response is filed timely with the Department of  
99 State, the notice required in subsection (3) shall also give  
100 notice of the following:

101 (a) Based on the agency's or Governor's written response or  
102 the acknowledgement determined under subsection (2), the rule  
103 will be repealed summarily pursuant to this section and removed  
104 from the Florida Administrative Code.

105 (b) Any objection to the summary repeal under this section  
106 must be filed as a petition challenging a proposed rule under s.  
107 120.56 and must be filed no later than 21 days after the date  
108 the notice is published in the Florida Administrative Weekly.

109 (c) For purposes only of challenging a summary repeal under  
110 this section, the agency with current authority to repeal the  
111 rule under s. 120.54 shall be named as the respondent in the  
112 petition and shall be the proper party in interest. In such  
113 circumstances, the Department of State shall not be named as a  
114 party in a petition filed under paragraph (b) and this  
115 paragraph.

116 (d) If no agency currently has authority to repeal the rule

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117 under s. 120.54, the Department of State shall be named as the  
118 respondent in a petition filed under paragraph (b) and this  
119 paragraph. The Attorney General shall represent the Department  
120 of State in all proceedings under this paragraph.

121 (5) Upon the expiration of the 21-day period to file an  
122 objection to a notice of summary repeal published pursuant to  
123 subsection (4), if no timely objection is filed, or, if a timely  
124 objection is filed, on the date a decision finding the rule is  
125 no longer in effect becomes final, the Department of State shall  
126 update the Florida Administrative Code to remove the rule and  
127 shall provide historical notes identifying the manner in which  
128 the rule ceased to have effect, including the summary repeal  
129 pursuant to this section.

130 Section 3. The following rules of the Northwest Florida  
131 Water Management District are nullified and of no further force  
132 or effect:

133 (1) Rule 40A-1.1020, Florida Administrative Code, relating  
134 to General Procedures for Permit Applications.

135 (2) Rule 40A-1.1030, Florida Administrative Code, relating  
136 to Contract Bidding Resolution of Protest.

137 (3) Rule 40A-1.1040, Florida Administrative Code, relating  
138 to General Permits.

139 (4) Rule 40A-1.180, Florida Administrative Code, relating  
140 to Procedures for Contracting for Professional Services.

141 (5) Rule 40A-1.181, Florida Administrative Code, relating  
142 to Contracting Bidding-Reservation of Right.

143 (6) Rule 40A-1.182, Florida Administrative Code, relating  
144 to Contracting Bidding-Resolution of Protest.

145 (7) Rule 40A-2.311, Florida Administrative Code, relating

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146 to Competing Applications.

147 (8) Rule 40A-3.038, Florida Administrative Code, relating  
148 to Violations of Licensing Requirements.

149 (9) Rule 40A-4.061, Florida Administrative Code, relating  
150 to Mitigation Banks.

151 (10) Rule 40A-4.143, Florida Administrative Code, relating  
152 to Abandonment.

153 (11) Rule 40A-4.461, Florida Administrative Code, relating  
154 to Inspection.

155 (12) Rule 40A-4.471, Florida Administrative Code, relating  
156 to Abatement.

157 (13) Rule 40A-6.461, Florida Administrative Code, relating  
158 to Inspections.

159 (14) Rule 40A-6.491, Florida Administrative Code, relating  
160 to Unlawful Use.

161 (15) Rule 40A-44.143, Florida Administrative Code, relating  
162 to Abandonment.

163 Section 4. The following rules of the Suwannee River Water  
164 Management District are nullified and of no further force or  
165 effect:

166 (1) Rule 40B-1.100, Florida Administrative Code, relating  
167 to Uniform Rules of Procedure and Statement of District  
168 Organization and Operation.

169 (2) Rule 40B-1.510, Florida Administrative Code, relating  
170 to District Investigations and Probable Cause Determinations.

171 (3) Rule 40B-1.702, Florida Administrative Code, relating  
172 to Permits Required.

173 (4) Rule 40B-1.705, Florida Administrative Code, relating  
174 to Complaints.

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175       (5) Rule 40B-1.801, Florida Administrative Code, relating  
176 to General provisions pertaining to procurement.

177       (6) Rule 40B-1.802, Florida Administrative Code, relating  
178 to Definitions.

179       (7) Rule 40B-1.804, Florida Administrative Code, relating  
180 to Certification and Competitive Selection for Professional  
181 Services.

182       (8) Rule 40B-1.805, Florida Administrative Code, relating  
183 to Competitive Negotiation.

184       (9) Rule 40B-1.808, Florida Administrative Code, relating  
185 to Applicability.

186       (10) Rule 40B-1.810, Florida Administrative Code, relating  
187 to Procurement of Commodities or Contractual Services.

188       (11) Rule 40B-1.811, Florida Administrative Code, relating  
189 to Prequalified Providers.

190       (12) Rule 40B-1.812, Florida Administrative Code, relating  
191 to Contract Bidding - Reservation of Rights.

192       (13) Rule 40B-1.813, Florida Administrative Code, relating  
193 to Contract Bidding - Resolution of Protests.

194       (14) Rule 40B-2.025, Florida Administrative Code, relating  
195 to Processing of Water Use Permit Applications.

196       (15) Rule 40B-2.201, Florida Administrative Code, relating  
197 to Permit Fees.

198       (16) Rule 40B-2.311, Florida Administrative Code, relating  
199 to Competing Applications.

200       (17) Rule 40B-2.341, Florida Administrative Code, relating  
201 to Revocation of Permits.

202       (18) Rule 40B-2.441, Florida Administrative Code, relating  
203 to Temporary Water Use Permits.

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204       (19) Rule 40B-2.781, Florida Administrative Code, relating  
205 to Enforcement.

206       (20) Rule 40B-3.011, Florida Administrative Code, relating  
207 to Policy and Purpose.

208       (21) Rule 40B-3.031, Florida Administrative Code, relating  
209 to Implementation.

210       (22) Rule 40B-3.038, Florida Administrative Code, relating  
211 to Violations of Licensing Requirements.

212       (23) Rule 40B-3.039, Florida Administrative Code, relating  
213 to Penalties.

214       (24) Rule 40B-3.0391, Florida Administrative Code, relating  
215 to Enforcement.

216       (25) Rule 40B-3.0511, Florida Administrative Code, relating  
217 to Variances.

218       (26) Rule 40B-3.500, Florida Administrative Code, relating  
219 to Scope of Part II.

220       (27) Rule 40B-3.507, Florida Administrative Code, relating  
221 to Casing and Liner Pipe Standards.

222       (28) Rule 40B-3.525, Florida Administrative Code, relating  
223 to Explosives.

224       (29) Rule 40B-4.1050, Florida Administrative Code, relating  
225 to Permit Fees.

226       (30) Rule 40B-5.0021, Florida Administrative Code, relating  
227 to Definitions.

228       (31) Rule 40B-5.0051, Florida Administrative Code, relating  
229 to Exemptions.

230       (32) Rule 40B-5.0121, Florida Administrative Code, relating  
231 to Notice and Hearing Requirements.

232       (33) Rule 40B-5.0201, Florida Administrative Code, relating



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233 to Permit Processing Fee.

234 (34) Rule 40B-5.0351, Florida Administrative Code, relating  
235 to Transfer of Permits.

236 (35) Rule 40B-5.0751, Florida Administrative Code, relating  
237 to Enforcement and Penalties.

238 (36) Rule 40B-5.0901, Florida Administrative Code, relating  
239 to Forms and Instructions.

240 (37) Rule 40B-9.045, Florida Administrative Code, relating  
241 to Acquisition Procedures-Condernation.

242 (38) Rule 40B-9.065, Florida Administrative Code, relating  
243 to Disclosure of Beneficial Interest.

244 (39) Rule 40B-9.081, Florida Administrative Code, relating  
245 to Disposition of Surplus Real Property.

246 (40) Rule 40B-21.031, Florida Administrative Code, relating  
247 to Elements of the Plan.

248 (41) Rule 40B-21.291, Florida Administrative Code, relating  
249 to Variances.

250 (42) Rule 40B-21.421, Florida Administrative Code, relating  
251 to Compliance.

252 (43) Rule 40B-21.511, Florida Administrative Code, relating  
253 to General provisions pertaining to classification of water  
254 users.

255 Section 5. The following rules of the St. Johns River Water  
256 Management District are nullified and of no further force or  
257 effect:

258 (1) Rule 40C-2.441, Florida Administrative Code, relating  
259 to Temporary Permits.

260 (2) Rule 40C-3.038, Florida Administrative Code, relating  
261 to Violations of Contractor Licensing Requirements.

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262       (3) Rule 40C-3.039, Florida Administrative Code, relating  
263 to Penalties.

264       (4) Rule 40C-3.040, Florida Administrative Code, relating  
265 to Scope of Part I.

266       (5) Rule 40C-3.201, Florida Administrative Code, relating  
267 to Permit Processing Fee.

268       (6) Rule 40C-3.321, Florida Administrative Code, relating  
269 to Duration of Permits.

270       (7) Rule 40C-3.525, Florida Administrative Code, relating  
271 to Explosives.

272       (8) Rule 40C-3.529, Florida Administrative Code, relating  
273 to Flowing Wells.

274       (9) Rule 40C-3.532, Florida Administrative Code, relating  
275 to Violations of Well Construction Standards.

276       (10) Rule 40C-4.011, Florida Administrative Code, relating  
277 to Policy and Purpose.

278       (11) Rule 40C-4.201, Florida Administrative Code, relating  
279 to Permit Processing Fee.

280       (12) Rule 40C-4.351, Florida Administrative Code, relating  
281 to Transfer of Permits.

282       (13) Rule 40C-4.751, Florida Administrative Code, relating  
283 to Enforcement.

284       (14) Rule 40C-9.001, Florida Administrative Code, relating  
285 to Purpose.

286       (15) Rule 40C-9.031, Florida Administrative Code, relating  
287 to Selection of Lands - Five Year Plan Pursuant to Section  
288 373.199, Florida Statutes.

289       (16) Rule 40C-9.045, Florida Administrative Code, relating  
290 to Acquisition Procedures - Condemnation.

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- 291       (17) Rule 40C-9.065, Florida Administrative Code, relating  
292 to Disclosure of Beneficial Interest.
- 293       (18) Rule 40C-9.071, Florida Administrative Code, relating  
294 to Use of Trust Funds.
- 295       (19) Rule 40C-9.081, Florida Administrative Code, relating  
296 to Disposition of Surplus Land.
- 297       (20) Rule 40C-9.115, Florida Administrative Code, relating  
298 to Land Management Review Team.
- 299       (21) Rule 40C-9.400, Florida Administrative Code, relating  
300 to Individuals Living on District Lands.
- 301       (22) Rule 40C-21.031, Florida Administrative Code, relating  
302 to Elements of the Plan.
- 303       (23) Rule 40C-24.001, Florida Administrative Code, relating  
304 to Policy and Purpose.
- 305       (24) Rule 40C-24.010, Florida Administrative Code, relating  
306 to Definitions.
- 307       (25) Rule 40C-24.020, Florida Administrative Code, relating  
308 to Incentive Program.
- 309       (26) Rule 40C-24.030, Florida Administrative Code, relating  
310 to Incentive Program - Qualifying.
- 311       (27) Rule 40C-40.011, Florida Administrative Code, relating  
312 to Policy and Purpose.
- 313       (28) Rule 40C-40.021, Florida Administrative Code, relating  
314 to Definitions.
- 315       (29) Rule 40C-40.031, Florida Administrative Code, relating  
316 to Implementation.
- 317       (30) Rule 40C-40.321, Florida Administrative Code, relating  
318 to Duration of Permit.
- 319       (31) Rule 40C-40.381, Florida Administrative Code, relating

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320 to Limiting Conditions.

321 (32) Rule 40C-40.900, Florida Administrative Code, relating  
322 to Forms and Instructions.

323 (33) Rule 40C-42.071, Florida Administrative Code, relating  
324 to Permit Processing Fee.

325 (34) Rule 40C-42.081, Florida Administrative Code, relating  
326 to General Provisions.

327 (35) Rule 40C-44.081, Florida Administrative Code, relating  
328 to Permit Processing Fee.

329 Section 6. The following rules of the Southwest Florida  
330 Water Management District are nullified and of no further force  
331 or effect:

332 (1) Rule 40D-1.902, Florida Administrative Code, relating  
333 to District Investigations and Probable Cause Determinations.

334 (2) Rule 40D-2.311, Florida Administrative Code, relating  
335 to Competing Applications.

336 (3) Rule 40D-2.511, Florida Administrative Code, relating  
337 to Declaration of Water Shortage.

338 (4) Rule 40D-3.011, Florida Administrative Code, relating  
339 to Policy and Purpose.

340 (5) Rule 40D-3.031, Florida Administrative Code, relating  
341 to Implementation.

342 (6) Rule 40D-3.038, Florida Administrative Code, relating  
343 to Violations of Contractor Licensing Requirements.

344 (7) Rule 40D-3.201, Florida Administrative Code, relating  
345 to Permit Processing Fee.

346 (8) Rule 40D-3.525, Florida Administrative Code, relating  
347 to Explosives.

348 (9) Rule 40D-3.529, Florida Administrative Code, relating

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349 to Flowing Wells.

350 (10) Rule 40D-4.031, Florida Administrative Code, relating  
351 to Implementation, Effective Date and Applicability.

352 (11) Rule 40D-4.054, Florida Administrative Code, relating  
353 to Alteration of Exempt Projects.

354 (12) Rule 40D-4.201, Florida Administrative Code, relating  
355 to Permit Processing Fee.

356 (13) Rule 40D-4.461, Florida Administrative Code, relating  
357 to Inspection.

358 (14) Rule 40D-40.011, Florida Administrative Code, relating  
359 to Policy and Purpose.

360 (15) Rule 40D-40.031, Florida Administrative Code, relating  
361 to Implementation, Effective Date and Applicability.

362 (16) Rule 40D-400.201, Florida Administrative Code,  
363 relating to Policy and Purpose.

364 (17) Rule 40D-9.101, Florida Administrative Code, relating  
365 to Recreational Land Use Policy.

366 (18) Rule 40D-9.110, Florida Administrative Code, relating  
367 to Scope and Applicability.

368 (19) Rule 40D-9.300, Florida Administrative Code, relating  
369 to Trespass After Notice.

370 (20) Rule 40D-9.310, Florida Administrative Code, relating  
371 to Penalties.

372 (21) Rule 40D-21.031, Florida Administrative Code, relating  
373 to Elements of the Plan.

374 (22) Rule 40D-21.441, Florida Administrative Code, relating  
375 to Public Supply Water Shortage Mitigation Plans.

376 Section 7. The following rules of the South Florida Water  
377 Management District are nullified and of no further force or

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378 effect:379 (1) Rule 40E-0.103, Florida Administrative Code, relating  
380 to Procedures for Processing Permit Applications.381 (2) Rule 40E-0.105, Florida Administrative Code, relating  
382 to Consideration of Intended Agency Decision on Permit  
383 Applications.384 (3) Rule 40E-1.100, Florida Administrative Code, relating  
385 to Uniform Rules of Procedure and Statement of District  
386 Organization and Operation.387 (4) Rule 40E-1.1065, Florida Administrative Code, relating  
388 to Misuse of Public Position.389 (5) Rule 40E-1.125, Florida Administrative Code, relating  
390 to Public Information and Inspection of Records.391 (6) Rule 40E-1.200, Florida Administrative Code, relating  
392 to Procedures for Agendas and Scheduling of Meetings and  
393 Workshops.394 (7) Rule 40E-1.208, Florida Administrative Code, relating  
395 to Procedure for Abstaining from Voting Conflicts of Interest.396 (8) Rule 40E-1.300, Florida Administrative Code, relating  
397 to Rulemaking Procedures.398 (9) Rule 40E-1.400, Florida Administrative Code, relating  
399 to Procedures Regarding Declaratory Statements.400 (10) Rule 40E-1.500, Florida Administrative Code, relating  
401 to Procedures for Proceedings Which Determine Substantial  
402 Interests and Associated Mediation.403 (11) Rule 40E-1.511, Florida Administrative Code, relating  
404 to Point of Entry Into Proceedings.405 (12) Rule 40E-1.520, Florida Administrative Code, relating  
406 to Procedures Concerning Formal Proceedings.

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407       (13) Rule 40E-1.521, Florida Administrative Code, relating  
408 to Initiation of Formal Proceedings.

409       (14) Rule 40E-1.564, Florida Administrative Code, relating  
410 to Exceptions to Recommended Order.

411       (15) Rule 40E-1.570, Florida Administrative Code, relating  
412 to Procedures Concerning Informal Proceedings.

413       (16) Rule 40E-1.601, Florida Administrative Code, relating  
414 to General provisions pertaining to administrative procedures  
415 applicable to permitting decisions.

416       (17) Rule 40E-1.608, Florida Administrative Code, relating  
417 to Denial of Permits.

418       (18) Rule 40E-1.611, Florida Administrative Code, relating  
419 to Emergency Action.

420       (19) Rule 40E-1.6115, Florida Administrative Code, relating  
421 to Emergency Authorization.

422       (20) Rule 40E-2.441, Florida Administrative Code, relating  
423 to Temporary Permits.

424       (21) Rule 40E-3.010, Florida Administrative Code, relating  
425 to Review of Water Well Permit Applications.

426       (22) Rule 40E-3.0511, Florida Administrative Code, relating  
427 to Exemptions and Variances for Well Construction Permits.

428       (23) Rule 40E-4.311, Florida Administrative Code, relating  
429 to Variances from Specified Review Criteria for Environmental  
430 Resource Permits.

431       (24) Rule 40E-7.201, Florida Administrative Code, relating  
432 to Policy and Purpose.

433       (25) Rule 40E-7.205, Florida Administrative Code, relating  
434 to Competitive Selection for Professional Services.

435       (26) Rule 40E-7.300, Florida Administrative Code, relating

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436 to Procedures Concerning Bid Protests of Solicitations or  
437 Contract Awards.

438 (27) Rule 40E-7.401, Florida Administrative Code, relating  
439 to District Transfer of Funds.

440 (28) Rule 40E-20.141, Florida Administrative Code, relating  
441 to Request for Additional Information.

442 (29) Rule 40E-20.341, Florida Administrative Code, relating  
443 to Revocation of General Water Use Permits.

444 (30) Rule 40E-20.391, Florida Administrative Code, relating  
445 to Publication.

446 (31) Rule 40E-21.031, Florida Administrative Code, relating  
447 to Elements of the Plan.

448 (32) Rule 40E-21.132, Florida Administrative Code, relating  
449 to Water Use Restrictions.

450 (33) Rule 40E-21.611, Florida Administrative Code, relating  
451 to Classification System.

452 (34) Rule 40E-22.082, Florida Administrative Code, relating  
453 to Minimum Flows.

454 (35) Rule 40E-22.112, Florida Administrative Code, relating  
455 to Permit Classification.

456 (36) Rule 40E-22.132, Florida Administrative Code, relating  
457 to Water Shortage Plan.

458 (37) Rule 40E-22.242, Florida Administrative Code, relating  
459 to Minimum Flow.

460 (38) Rule 40E-22.252, Florida Administrative Code, relating  
461 to Permit Classification.

462 (39) Rule 40E-22.272, Florida Administrative Code, relating  
463 to Water Use Restrictions.

464 (40) Rule 40E-23.011, Florida Administrative Code, relating



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465 to Policy and Purpose.

466 (41) Rule 40E-23.021, Florida Administrative Code, relating  
467 to Definitions.

468 (42) Rule 40E-23.023, Florida Administrative Code, relating  
469 to Boundaries.

470 (43) Rule 40E-23.031, Florida Administrative Code, relating  
471 to Implementation.

472 (44) Rule 40E-23.043, Florida Administrative Code, relating  
473 to Application.

474 (45) Rule 40E-23.053, Florida Administrative Code, relating  
475 to Criteria for Designation.

476 (46) Rule 40E-63.201, Florida Administrative Code, relating  
477 to Scope.

478 (47) Rule 40E-63.211, Florida Administrative Code, relating  
479 to Purpose.

480 (48) Rule 40E-63.212, Florida Administrative Code, relating  
481 to Definitions.

482 (49) Rule 40E-63.223, Florida Administrative Code, relating  
483 to Model to Quantify Annual Allocation of Replacement Water.

484 (50) Rule 40E-63.225, Florida Administrative Code, relating  
485 to Delivery of Average Annual Allocation of Replacement Water.

486 Section 8. The following rules of the former Department of  
487 Commerce are nullified and of no further force or effect:

488 (1) Rule 8K-1.001, Florida Administrative Code, relating to  
489 Purpose.

490 (2) Rule 8K-1.002, Florida Administrative Code, relating to  
491 Authority and Duties.

492 (3) Rule 8K-1.003, Florida Administrative Code, relating to  
493 Members, Officers and Employees.

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494        (4) Rule 8K-1.004, Florida Administrative Code, relating to  
495 Meetings of the Board.

496        (5) Rule 8K-1.005, Florida Administrative Code, relating to  
497 Notice of Meeting.

498        (6) Rule 8K-1.006, Florida Administrative Code, relating to  
499 Records; Public Information.

500        (7) Rule 8K-1.007, Florida Administrative Code, relating to  
501 Business Address and Hours.

502        (8) Rule 8K-1.008, Florida Administrative Code, relating to  
503 Seal.

504        (9) Rule 8K-2.001, Florida Administrative Code, relating to  
505 Purpose.

506        (10) Rule 8K-2.002, Florida Administrative Code, relating  
507 to Definitions.

508        (11) Rule 8K-2.003, Florida Administrative Code, relating  
509 to Application Procedure.

510        (12) Rule 8K-2.004, Florida Administrative Code, relating  
511 to Board Investments; Type and Conditions.

512        (13) Rule 8K-2.005, Florida Administrative Code, relating  
513 to Community Support.

514        (14) Rule 8K-2.006, Florida Administrative Code, relating  
515 to Accountability.

516        (15) Rule 8K-2.007, Florida Administrative Code, relating  
517 to Misuse of Funds; Penalty; Appeal.

518        (16) Rule 8K-2.008, Florida Administrative Code, relating  
519 to Local Impact Projects.

520        (17) Rule 8K-2.009, Florida Administrative Code, relating  
521 to Certified Corporations.

522        (18) Rule 8K-2.010, Florida Administrative Code, relating

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523 to Investment Agreements.

524 (19) Rule 8M-1.001, Florida Administrative Code, relating  
525 to Definitions.

526 (20) Rule 8M-1.002, Florida Administrative Code, relating  
527 to Grant Applications.

528 (21) Rule 8M-1.003, Florida Administrative Code, relating  
529 to Application Review.

530 (22) Rule 8M-1.004, Florida Administrative Code, relating  
531 to Award of Grants.

532 (23) Rule 8M-2.001, Florida Administrative Code, relating  
533 to Definitions.

534 (24) Rule 8M-2.002, Florida Administrative Code, relating  
535 to Grant Applications.

536 (25) Rule 8M-2.003, Florida Administrative Code, relating  
537 to Application Review.

538 (26) Rule 8M-2.004, Florida Administrative Code, relating  
539 to Award of Grants.

540 (27) Rule 8M-3.001, Florida Administrative Code, relating  
541 to Purpose.

542 (28) Rule 8M-3.002, Florida Administrative Code, relating  
543 to Definitions.

544 (29) Rule 8M-3.003, Florida Administrative Code, relating  
545 to Applications for Consideration.

546 (30) Rule 8M-3.004, Florida Administrative Code, relating  
547 to Criteria for the Determination of Grant Award.

548

549 Note.—The rulemaking authority for Rules 8K-1.001  
550 through 8K-1.008 and 8K-2.001 through 8K-2.010 was  
551 abolished by section 3, chapter 2002-180, Laws of

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552 Florida. No agency appears to have clear authority to  
553 repeal such rules.

554  
555 Note.—Rules 8K-1.001 and 8K-1.002 implemented ss.  
556 288.707, 288.709, and 288.7091, Florida Statutes,  
557 which were repealed by section 487, chapter 2011-142,  
558 Laws of Florida, leaving the rules out of conformity  
559 with the law to be implemented.

560  
561 Note.—Rules 8K-1.003, 8K-1.004, 8K-1.005, 8K-1.006,  
562 and 8K-1.007 implemented s. 288.707, F.S., which was  
563 repealed by section 487, chapter 2011-142, Laws of  
564 Florida, leaving the rules out of conformity with the  
565 law to be implemented.

566  
567 Note.—Rule 8K-1.008 implemented s. 288.709(2), Florida  
568 Statutes, which was repealed by section 487, chapter  
569 2011-142, Laws of Florida, leaving the rule out of  
570 conformity with the law to be implemented.

571  
572 Note.—Rules 8K-2.001, 8K-2.006, and 8K-2.007  
573 implemented s. 288.711, Florida Statutes, which was  
574 repealed by section 24, chapter 2007-157, Laws of  
575 Florida, leaving the rules out of conformity with the  
576 law to be implemented.

577  
578 Note.—Rule 8K-2.002 implemented s. 288.707, Florida  
579 Statutes, which was repealed by section 487, chapter  
580 2011-142, Laws of Florida, and s. 288.711, Florida

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581 Statutes, which was repealed by section 24, chapter  
582 2007-157, Laws of Florida, leaving the rule out of  
583 conformity with the laws to be implemented.

584  
585 Note.—Rules 8K-2.003, 8K-2.004, 8K-2,009, and 8K-2.010  
586 implemented ss. 288.71 and 288.711, Florida Statutes,  
587 which were repealed by section 24, chapter 2007-157,  
588 Laws of Florida, and s. 288.7091, Florida Statutes,  
589 which was repealed by section 487, chapter 2011-142,  
590 Laws of Florida, leaving the rules out of conformity  
591 with the laws to be implemented.

592  
593 Note.—Rules 8K-2.005 and 8K-2.008 implemented ss.  
594 288.71 and 288.711, Florida Statutes, which were  
595 repealed by section 24, chapter 2007-157, Laws of  
596 Florida, leaving the rules out of conformity with the  
597 laws to be implemented.

598  
599 Note.—The rulemaking authority for Rules 8M-1.001  
600 through 8M-1.004 and 8M-2.001 through 8M-2.004 was  
601 abolished by section 154, chapter 96-320, Laws of  
602 Florida. No agency appears to have clear authority to  
603 repeal such rules.

604  
605 Note.—Rules 8M-1.001 through 8M-1.004 implemented  
606 chapters 91-157 and 91-272, Laws of Florida, which  
607 were implementing bills for the 1991 General  
608 Appropriations Act. When those laws expired July 1,  
609 1992, the rules became out of conformity with the laws

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610 to be implemented.

611  
612 Note.—Rules 8M-2.001 through 8M-2.004 implemented s.  
613 288.806, Florida Statutes, which was repealed by  
614 section 154, chapter 96-320, Laws of Florida, leaving  
615 the rules out of conformity with the laws to be  
616 implemented.

617  
618 Note.—The rulemaking authority for Rules 8M-3.001, 8M-  
619 3.002, 8M-3.003, and 8M-3.004 was abolished by section  
620 133, chapter 96-320, Laws of Florida. These specific  
621 rules implemented s. 311.11, Florida Statutes, which  
622 was revised extensively by section 49, chapter 97-278,  
623 Laws of Florida, leaving the rules out of conformity  
624 with the laws to be implemented. No agency appears to  
625 have clear authority to repeal such rules.

626  
627 Section 9. (1) Effective July 1, 2013, the following rules  
628 of the former Department of Health and Rehabilitative Services,  
629 Health Program Office, are nullified and of no further force or  
630 effect:

631 (a) Rule 10D-116.001, Florida Administrative Code, relating  
632 to Purpose.

633 (b) Rule 10D-116.002, Florida Administrative Code, relating  
634 to Definitions.

635 (c) Rule 10D-116.003, Florida Administrative Code, relating  
636 to Department Responsibilities.

637 (d) Rule 10D-116.004, subsections (1), (2), and (3),  
638 Florida Administrative Code, relating to Provider Hospital

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639 Responsibilities.

640 (e) Rule 10D-116.005, Florida Administrative Code, relating  
641 to Practice Parameters.

642 (f) Rule 10D-116.006, subsections (1), (2), and (3),  
643 Florida Administrative Code, relating to Functions of Peer  
644 Review Boards.

645 (2) Before the effective date of this section, the  
646 Department of Health shall initiate rulemaking to readopt or  
647 revise those portions of the rules which are necessary to  
648 implement the affected statutes.

649

650 Note.—The rules in this section were adopted by the  
651 former Department of Health and Rehabilitative  
652 Services before the Type Two Transfer of  
653 responsibility for public health matters to the  
654 Department of Health by section 6, chapter 96-403,  
655 Laws of Florida. Rules 10D-116.001, 10D-116.002, 10D-  
656 116.003, 10D-116.004, 10D-116.005, 10D-116.006, and  
657 10D-116.007 implemented s. 383.336, Florida Statutes,  
658 amended by section 77, chapter 99-8, Laws of Florida,  
659 to authorize rulemaking by the Department of Health.  
660 The abolition of responsibility for public health  
661 matters in the former Department of Health and  
662 Rehabilitative Services creates uncertainty about the  
663 continued validity of these rules. Therefore, the  
664 Department of Health should readopt or revise those  
665 portions of the rules which remain necessary to  
666 implement the agency's statutory authority.

667

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668 Note.—Rules 10D-116.001, 10D-116.002(4), 10D-  
669 116.002(5), 10D-116.002(6), 10D-116.003, and 10D-  
670 116.004 reiterate or paraphrase provisions of s.  
671 383.336, Florida Statutes, and do not conform with the  
672 requirements of ss. 120.536(1) and 120.545(1)(c),  
673 Florida Statutes.

674  
675 Note.—Rules 10D-116.002(2) and 10D-116.004(3)  
676 interpret s. 383.336, Florida Statutes, with  
677 references to the former Department of Health and  
678 Rehabilitative Services or repealed statutes and do  
679 not conform with the specific law to be implemented.

680  
681 Section 10. The following rules of the former Department of  
682 Health and Rehabilitative Services, Health Program Office, are  
683 nullified and of no further force or effect:

684 (1) Rule 10D-116.004, subsection (4), Florida  
685 Administrative Code, relating to Provider Hospital  
686 Responsibilities, directing the making of reports to the Agency  
687 for Health Care Administration.

688 (2) Rule 10D-116.006, subsection (4), Florida  
689 Administrative Code, relating to Functions of Peer Review  
690 Boards, stating the results of a review will not serve as  
691 evidence in certain proceedings.

692 (3) Rule 10D-116.007, Florida Administrative Code,  
693 assigning certain responsibilities to Agency for Health Care  
694 Administration.

695  
696 Note.—Rules 10D-116.004(4), 10D-116.006(4), and 10D-



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697 116.007 exceed the authority delegated in the specific  
698 law to be implemented.

700 Section 11. (1) Effective July 1, 2013, the following rules  
701 of the former Department of Health and Rehabilitative Services,  
702 Health Program Office, are nullified and of no further force or  
703 effect:

704 (a) Rule 10D-124.003, Florida Administrative Code, relating  
705 to Payment of Scholarship Funds.

706 (b) Rule 10D-124.004, Florida Administrative Code, relating  
707 to Placement of Nursing Scholars.

708 (2) Before the effective date of this section, the  
709 Department of Health shall initiate rulemaking to readopt or  
710 revise those portions of the rules which are necessary to  
711 implement the affected statutes.

712  
713 Note.—The rules in this section were adopted by the  
714 former Department of Health and Rehabilitative  
715 Services before the Type Two Transfer of  
716 responsibility for public health matters to the  
717 Department of Health by section 6, chapter 96-403,  
718 Laws of Florida. The abolition of responsibility for  
719 public health matters in the former Department of  
720 Health and Rehabilitative Services raises a question  
721 about the continued validity of these rules. Rules  
722 10D-124.003 and 10D-124.004 implemented s. 240.4028,  
723 Florida Statutes, which was repealed by section 1058,  
724 chapter 2002-387, Laws of Florida. Therefore, the  
725 Department of Health should readopt or revise those

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726 portions of the rules which remain necessary to  
727 implement the agency's statutory authority.

728  
729 Section 12. The following rules of the former Advisory  
730 Council on Intergovernmental Relations are nullified and of no  
731 further force or effect:

732 (1) Rule 37-1.001, Florida Administrative Code, relating to  
733 General Authority.

734 (2) Rule 37-1.002, Florida Administrative Code, relating to  
735 Composition of the Council.

736 (3) Rule 37-1.003, Florida Administrative Code, relating to  
737 Council Officers.

738 (4) Rule 37-1.004, Florida Administrative Code, relating to  
739 General Description of Council Organization and Operations.

740 (5) Rule 37-1.005, Florida Administrative Code, relating to  
741 Council Functions and Duties.

742 (6) Rule 37-1.006, Florida Administrative Code, relating to  
743 Council Recommendations.

744 (7) Rule 37-1.007, Florida Administrative Code, relating to  
745 General Information Concerning Council, Its Record and  
746 Proceedings.

747 (8) Rule 37-2.001, Florida Administrative Code, relating to  
748 Notice of Meeting.

749 (9) Rule 37-2.002, Florida Administrative Code, relating to  
750 Scheduling of Meetings.

751 (10) Rule 37-2.003, Florida Administrative Code, relating  
752 to Meetings, Hearings; Intergovernmental Cooperation.

753 (11) Rule 37-2.004, Florida Administrative Code, relating  
754 to Agenda of Meetings and Workshops.

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755       (12) Rule 37-2.005, Florida Administrative Code, relating  
756 to Emergency Meetings.

757       (13) Rule 37-2.006, Florida Administrative Code, relating  
758 to Model Rules Application.

759       (14) Rule 37-3.001, Florida Administrative Code, relating  
760 to Commencement of Proceeding.

761       (15) Rule 37-3.002, Florida Administrative Code, relating  
762 to Notice of Proceeding, and the Proposed Rules.

763       (16) Rule 37-3.003, Florida Administrative Code, relating  
764 to Petitions to Initiate Rule Making Proceedings.

765       (17) Rule 37-3.004 Florida Administrative Code, relating to  
766 Agency Action on Petitions to Initiate Rule Making Proceedings.

767       (18) Rule 37-3.005, Florida Administrative Code, relating  
768 to Rule Making Proceeding - Hearing.

769       (19) Rule 37-3.006, Florida Administrative Code, relating  
770 to Description of Publication by Reference.

771       (20) Rule 37-3.007, Florida Administrative Code, relating  
772 to Emergency Rule Hearing.

773       (21) Rule 37-3.008, Florida Administrative Code, relating  
774 to Model Rules Application.

775       (22) Rule 37-4.001, Florida Administrative Code, relating  
776 to General provisions pertaining to petition for declaratory  
777 statement.

778       (23) Rule 37-4.002, Florida Administrative Code, relating  
779 to Purpose and Use of Declaratory Statement.

780       (24) Rule 37-4.003, Florida Administrative Code, relating  
781 to Council Disposition.

782       (25) Rule 37-5.001, Florida Administrative Code, relating  
783 to Members Present Shall Vote.

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784       (26) Rule 37-5.002, Florida Administrative Code, relating  
785 to Quorum; Majority Action.

786       (27) Rule 37-5.003, Florida Administrative Code, relating  
787 to Voting.

788       (28) Rule 37-5.004, Florida Administrative Code, relating  
789 to Change of Vote.

790       (29) Rule 37-5.005, Florida Administrative Code, relating  
791 to Casting Vote for Another.

792       (30) Rule 37-5.006, Florida Administrative Code, relating  
793 to Explanation of Vote.

794       (31) Rule 37-5.007, Florida Administrative Code, relating  
795 to Motions; How Made, Withdrawn.

796       (32) Rule 37-5.008, Florida Administrative Code, relating  
797 to Motions; Precedence.

798       (33) Rule 37-5.009, Florida Administrative Code, relating  
799 to Order of Questions.

800       (34) Rule 37-5.010, Florida Administrative Code, relating  
801 to Motions; Disposition.

802       (35) Rule 37-5.011, Florida Administrative Code, relating  
803 to Reconsideration: Generally.

804       (36) Rule 37-5.012, Florida Administrative Code, relating  
805 to Motion to Lay on Table.

806       (37) Rule 37-5.013, Florida Administrative Code, relating  
807 to Amendments; Manner of Consideration.

808       (38) Rule 37-5.014, Florida Administrative Code, relating  
809 to Amendments; Adoption.

810       (39) Rule 37-5.015, Florida Administrative Code, relating  
811 to Sequence of Amendments to Amendments.

812       (40) Rule 37-6.001, Florida Administrative Code, relating

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813 to Interpretation of Rules.

814 (41) Rule 37-6.002, Florida Administrative Code, relating  
815 to Waiver and Suspension of Rules.

816 (42) Rule 37-6.003, Florida Administrative Code, relating  
817 to General provisions pertaining to construction of rules.

818

819 Note.—The rules in this section, comprising Title 37  
820 of the Florida Administrative Code, were adopted by  
821 the former Advisory Council on Intergovernmental  
822 Relations, which was abolished by section 9, chapter  
823 96-311, Laws of Florida. The rulemaking authority for  
824 the above rules was abolished by section 9, chapter  
825 96-311, Laws of Florida. The above rules variously  
826 implemented ss. 120.53 and 120.54, Florida Statutes,  
827 which were extensively revised by sections 9 and 10,  
828 chapter 96-159, Laws of Florida, eliminating certain  
829 provisions implemented by such rules, and ss. 163.703,  
830 163.704, 163.705, 163.7055, 163.706, 163.707, and  
831 163.708, Florida Statutes, which were repealed by  
832 section 9, chapter 96-311, Laws of Florida. The  
833 substance of these statutes was reenacted as s. 11.70,  
834 Florida Statutes, by section 1, chapter 96-311, Laws  
835 of Florida, which was repealed by section 3, chapter  
836 2011-34, Laws of Florida, leaving the rules out of  
837 conformity with the law to be implemented. No agency  
838 appears to have clear authority to repeal such rules.

839

840 Section 13. The following rules of the former Department of  
841 Labor and Employment Security are nullified and of no further

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842 force or effect:

843 (1) Rule 38I-40.002, Florida Administrative Code, relating  
844 to Definitions.

845 (2) Rule 38I-40.003, Florida Administrative Code, relating  
846 to Identification of State-Owned Buildings and the Building  
847 Asbestos Contact Person for Each Building.

848 (3) Rule 38I-40.004, Florida Administrative Code, relating  
849 to Review and Approval of Building Asbestos Surveys Completed  
850 Prior to January 1, 1989.

851 (4) Rule 38I-40.005, Florida Administrative Code, relating  
852 to Review and Approval of Current Operation and Maintenance  
853 Plans Implemented Prior to January 1, 1989.

854 (5) Rule 38I-40.006, Florida Administrative Code, relating  
855 to Collection of Information Concerning Completed Asbestos  
856 Abatement Work.

857 (6) Rule 38I-40.007, Florida Administrative Code, relating  
858 to Standardization of Asbestos Management Activities.

859 (7) Rule 38I-40.008, Florida Administrative Code, relating  
860 to Completion of Asbestos Surveys.

861 (8) Rule 38I-40.009, Florida Administrative Code, relating  
862 to Preparation and Implementation of Asbestos Operation and  
863 Maintenance Plans.

864 (9) Rule 38I-40.010, Florida Administrative Code, relating  
865 to Agency Responsibilities for Management of Asbestos.

866 (10) Rule 38I-40.011, Florida Administrative Code, relating  
867 to Building Asbestos Contact Person.

868 (11) Rule 38I-40.012, Florida Administrative Code, relating  
869 to Asbestos Oversight Program Team.

870 (12) Rule 38I-40.013, Florida Administrative Code, relating

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871 to Regional Asbestos Program Managers.

872 (13) Rule 38I-40.014, Florida Administrative Code, relating  
873 to Training Requirements.

874 (14) Rule 38I-40.015, Florida Administrative Code, relating  
875 to Safety and Health Requirements.

876 (15) Rule 38I-40.016, Florida Administrative Code, relating  
877 to Standard Technical Specifications and Guides.

878

879 Note.—The rulemaking authority for the above rules was  
880 abolished by section 35, chapter 2011-213, Laws of  
881 Florida. No agency appears to have clear authority to  
882 repeal such rules.

883

884 Note.—Rules 38I-40.002 and 38I-40.003 implemented s.  
885 255.554, Florida Statutes, which was repealed by  
886 section 10, chapter 99-5, Laws of Florida, and ss.  
887 255.552 and 255.553, Florida Statutes, which were  
888 repealed by section 35, chapter 2011-213, Laws of  
889 Florida, leaving the rules out of conformity with the  
890 laws to be implemented.

891

892 Note.—Rule 38I-40.004 implemented s. 255.554, Florida  
893 Statutes, which was repealed by section 10, chapter  
894 99-5, Laws of Florida, and ss. 255.552, 255.553, and  
895 255.556, Florida Statutes, which were repealed by  
896 section 35, chapter 2011-213, Laws of Florida, leaving  
897 the rule out of conformity with the laws to be  
898 implemented.

899

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900 Note.—Rules 38I-40.005, 38I-40.008, and 38I-40.009  
901 implemented ss. 255.552 and 255.557, Florida Statutes,  
902 which were repealed by section 35, chapter 2011-213,  
903 Laws of Florida, leaving the rules out of conformity  
904 with the laws to be implemented.

905  
906 Note.—Rule 38I-40.006 implemented s. 255.552, Florida  
907 Statutes, which was repealed by section 35, chapter  
908 2011-213, Laws of Florida, leaving the rule out of  
909 conformity with the law to be implemented.

910  
911 Note.—Rules 38I-40.007 and 38I-40.010 implemented ss.  
912 255.552, 255.553, 255.555, 255.556, and 255.557,  
913 Florida Statutes, which were repealed by section 35,  
914 chapter 2011-213, Laws of Florida, leaving the rules  
915 out of conformity with the laws to be implemented.

916  
917 Note.—Rule 38I-40.011 implemented s. 255.554, Florida  
918 Statutes, which was repealed by section 10, chapter  
919 99-5, Laws of Florida, and ss. 255.552, 255.553,  
920 255.555, and 255.557, Florida Statutes, which were  
921 repealed by section 35, chapter 2011-213, Laws of  
922 Florida, leaving the rule out of conformity with the  
923 laws to be implemented.

924  
925 Note.—Rule 38I-40.012 implemented s. 255.565, Florida  
926 Statutes, which was repealed by section 15, chapter  
927 2001-89, Laws of Florida, leaving the rule out of  
928 conformity with the law to be implemented.



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929  
930 Note.—Rule 38I-40.013 implemented s. 255.554, Florida  
931 Statutes, which was repealed by section 10, chapter  
932 99-5, Laws of Florida, and ss. 255.552, 255.553,  
933 255.557, 255.561, and 255.562, Florida Statutes, which  
934 were repealed by section 35, chapter 2011-213, Laws of  
935 Florida, leaving the rule out of conformity with the  
936 laws to be implemented.

937  
938 Note.—Rule 38I-40.014 implemented s. 255.565, Florida  
939 Statutes, which was repealed by section 15, chapter  
940 2001-89, Laws of Florida, and s. 255.552, Florida  
941 Statutes, which was repealed by section 35, chapter  
942 2011-213, Laws of Florida, leaving the rule out of  
943 conformity with the laws to be implemented.

944  
945 Note.—Rule 38I-40.015 implemented s. 255.561, Florida  
946 Statutes, which was repealed by section 35, chapter  
947 2011-213, Laws of Florida, leaving the rule out of  
948 conformity with the law to be implemented.

949  
950 Note.—Rule 38I-40.016 implemented ss. 255.552,  
951 255.553, 255.557, 255.558, 255.559, 255.56, 255.561,  
952 and 255.562, Florida Statutes, which were repealed by  
953 section 35, chapter 2011-213, Laws of Florida, leaving  
954 the rule out of conformity with the laws to be  
955 implemented.

956  
957 Section 14. (1) Effective July 1, 2013, the following rules

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958 of the former Department of Labor and Employment Security are  
959 nullified and of no further force or effect:

960 (a) Rule 38J-1.001, Florida Administrative Code, relating  
961 to Recovery From Third Parties.

962 (b) Rule 38J-1.002, Florida Administrative Code, relating  
963 to Definitions.

964 (c) Rule 38J-1.003, Florida Administrative Code, relating  
965 to Right to Make Informed Choice.

966 (d) Rule 38J-1.004, Florida Administrative Code, relating  
967 to Division Services - General.

968 (e) Rule 38J-1.005, Florida Administrative Code, relating  
969 to Additional Requirements for Providing Certain Services.

970 (f) Rule 38J-1.006, Florida Administrative Code, relating  
971 to Division Decisions and Appeal Procedures.

972 (g) Rule 38J-1.007, Florida Administrative Code, relating  
973 to Case Closure due to individual's actions.

974 (h) Rule 38J-1.008, Florida Administrative Code, relating  
975 to Destruction of Records.

976 (i) Rule 38J-1.009, Florida Administrative Code, relating  
977 to Forms and Documents.

978 (2) Before the effective date of this section, the  
979 Department of Education shall initiate rulemaking to readopt or  
980 revise those portions of the rules which are necessary to  
981 implement the affected statutes.

982

983 Note.—The rules in this section were adopted by the  
984 former Department of Labor and Employment Security,  
985 which was abolished by section 69, chapter 2002-194,  
986 Laws of Florida. The Division of Vocational

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987       Rehabilitation was placed under the Department of  
988       Education by section 1, chapter 2002-22, Laws of  
989       Florida, without a clear accompanying transfer of  
990       these rules, leaving the rules out of conformity with  
991       the law to be implemented. While no agency appears to  
992       have clear authority to repeal such rules, the laws  
993       implemented remain under the jurisdiction of the  
994       Department of Education. Therefore, the Department of  
995       Education should readopt or revise those portions of  
996       the rules which remain necessary to implement the  
997       agency's statutory authority.

998  
999       Section 15. Upon this act becoming a law, its enactment and  
1000       effective dates shall be noted in the Florida Administrative  
1001       Code or the Florida Administrative Weekly or both, as  
1002       appropriate with an appropriate notice that the rules listed in  
1003       sections 3-14 of this act have been repealed by law. The  
1004       administrative rules nullified by this act shall be treated as  
1005       repealed for purposes of all future editions of the Florida  
1006       Administrative Code. The provisions of sections 3-14 of this act  
1007       serve no other purpose and shall not be codified in the Florida  
1008       Statutes. This act does not alter rulemaking authority delegated  
1009       or withdrawn by previous law.

1010       Section 16. This act shall take effect 60 days after  
1011       becoming a law.