

HB 7029

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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7 that are no longer in effect; nullifying specific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.—
 30 | (2) Unless otherwise expressly provided by law:
 31 | (a) The repeal of one or more provisions of law
 32 | implemented by a rule that on its face implements only the
 33 | provision or provisions repealed and no other provision of law
 34 | nullifies the rule. Whenever notice of the nullification of a
 35 | rule under this subsection is received from the committee or
 36 | otherwise, the Department of State shall remove the rule from
 37 | the Florida Administrative Code as of the effective date of the
 38 | law effecting the nullification and update the historical notes
 39 | for the code to show the rule repealed by operation of law.
 40 | (b) The repeal of one or more provisions of law
 41 | implemented by a rule that on its face implements the provision
 42 | or provisions repealed and one or more other provisions of law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 44 | extent that it implements the repealed law.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,
 52 | other than as provided in paragraph (a) or paragraph (b), causes
 53 | a 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

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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
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
64 to 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
73 the agency with authority to repeal or amend the rule, if any,
74 or if no such agency can be identified, to the Governor, a
75 written request for a statement as to whether the rule is still
76 in full force and effect. A copy of the request shall be
77 promptly delivered to the committee and to the Attorney General.
78 The 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

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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.
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
102 or 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
110 under this section, the agency with current authority to repeal
111 the 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

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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
117 rule under s. 120.54, the Department of State shall be named as
118 the 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
 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,
 162 relating 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.

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- 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.
- 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.

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,
 215 relating to Enforcement.

216 (25) Rule 40B-3.0511, Florida Administrative Code,
 217 relating 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,
 225 relating to Permit Fees.
- 226 (30) Rule 40B-5.0021, Florida Administrative Code,
 227 relating to Definitions.
- 228 (31) Rule 40B-5.0051, Florida Administrative Code,
 229 relating to Exemptions.
- 230 (32) Rule 40B-5.0121, Florida Administrative Code,
 231 relating to Notice and Hearing Requirements.
- 232 (33) Rule 40B-5.0201, Florida Administrative Code,
 233 relating to Permit Processing Fee.
- 234 (34) Rule 40B-5.0351, Florida Administrative Code,
 235 relating to Transfer of Permits.
- 236 (35) Rule 40B-5.0751, Florida Administrative Code,
 237 relating to Enforcement and Penalties.
- 238 (36) Rule 40B-5.0901, Florida Administrative Code,
 239 relating to Forms and Instructions.
- 240 (37) Rule 40B-9.045, Florida Administrative Code, relating
 241 to Acquisition Procedures-Condernnation.
- 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,
 247 relating to Elements of the Plan.
- 248 (41) Rule 40B-21.291, Florida Administrative Code,
 249 relating to Variances.
- 250 (42) Rule 40B-21.421, Florida Administrative Code,
 251 relating to Compliance.

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

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

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.

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,
 302 relating to Elements of the Plan.

303 (23) Rule 40C-24.001, Florida Administrative Code,
 304 relating to Policy and Purpose.

305 (24) Rule 40C-24.010, Florida Administrative Code,
 306 relating to Definitions.

307 (25) Rule 40C-24.020, Florida Administrative Code,
 308 relating to Incentive Program.

309 (26) Rule 40C-24.030, Florida Administrative Code,
 310 relating to Incentive Program - Qualifying.

311 (27) Rule 40C-40.011, Florida Administrative Code,
 312 relating to Policy and Purpose.

313 (28) Rule 40C-40.021, Florida Administrative Code,
 314 relating to Definitions.

315 (29) Rule 40C-40.031, Florida Administrative Code,
 316 relating to Implementation.

317 (30) Rule 40C-40.321, Florida Administrative Code,
 318 relating to Duration of Permit.

319 (31) Rule 40C-40.381, Florida Administrative Code,
 320 relating to Limiting Conditions.

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

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

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

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

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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
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,
359 relating to Policy and Purpose.

360 (15) Rule 40D-40.031, Florida Administrative Code,
361 relating 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,
 373 relating to Elements of the Plan.

374 (22) Rule 40D-21.441, Florida Administrative Code,
 375 relating 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
 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.

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,
 421 relating 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,
 427 relating to Exemptions and Variances for Well Construction
 428 Permits.

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

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

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

436 (26) Rule 40E-7.300, Florida Administrative Code, relating
 437 to Procedures Concerning Bid Protests of Solicitations or
 438 Contract Awards.

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

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

- 443 (29) Rule 40E-20.341, Florida Administrative Code,
 444 relating to Revocation of General Water Use Permits.
- 445 (30) Rule 40E-20.391, Florida Administrative Code,
 446 relating to Publication.
- 447 (31) Rule 40E-21.031, Florida Administrative Code,
 448 relating to Elements of the Plan.
- 449 (32) Rule 40E-21.132, Florida Administrative Code,
 450 relating to Water Use Restrictions.
- 451 (33) Rule 40E-21.611, Florida Administrative Code,
 452 relating to Classification System.
- 453 (34) Rule 40E-22.082, Florida Administrative Code,
 454 relating to Minimum Flows.
- 455 (35) Rule 40E-22.112, Florida Administrative Code,
 456 relating to Permit Classification.
- 457 (36) Rule 40E-22.132, Florida Administrative Code,
 458 relating to Water Shortage Plan.
- 459 (37) Rule 40E-22.242, Florida Administrative Code,
 460 relating to Minimum Flow.
- 461 (38) Rule 40E-22.252, Florida Administrative Code,
 462 relating to Permit Classification.
- 463 (39) Rule 40E-22.272, Florida Administrative Code,
 464 relating to Water Use Restrictions.
- 465 (40) Rule 40E-23.011, Florida Administrative Code,
 466 relating to Policy and Purpose.
- 467 (41) Rule 40E-23.021, Florida Administrative Code,
 468 relating to Definitions.
- 469 (42) Rule 40E-23.023, Florida Administrative Code,
 470 relating to Boundaries.

- 471 (43) Rule 40E-23.031, Florida Administrative Code,
 472 relating to Implementation.
- 473 (44) Rule 40E-23.043, Florida Administrative Code,
 474 relating to Application.
- 475 (45) Rule 40E-23.053, Florida Administrative Code,
 476 relating to Criteria for Designation.
- 477 (46) Rule 40E-63.201, Florida Administrative Code,
 478 relating to Scope.
- 479 (47) Rule 40E-63.211, Florida Administrative Code,
 480 relating to Purpose.
- 481 (48) Rule 40E-63.212, Florida Administrative Code,
 482 relating to Definitions.
- 483 (49) Rule 40E-63.223, Florida Administrative Code,
 484 relating to Model to Quantify Annual Allocation of Replacement
 485 Water.
- 486 (50) Rule 40E-63.225, Florida Administrative Code,
 487 relating to Delivery of Average Annual Allocation of Replacement
 488 Water.
- 489 Section 8. The following rules of the former Department of
 490 Commerce are nullified and of no further force or effect:
- 491 (1) Rule 8K-1.001, Florida Administrative Code, relating
 492 to Purpose.
- 493 (2) Rule 8K-1.002, Florida Administrative Code, relating
 494 to Authority and Duties.
- 495 (3) Rule 8K-1.003, Florida Administrative Code, relating
 496 to Members, Officers and Employees.
- 497 (4) Rule 8K-1.004, Florida Administrative Code, relating
 498 to Meetings of the Board.

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

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

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

505 (8) Rule 8K-1.008, Florida Administrative Code, relating
 506 to Seal.

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

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

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

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

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

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

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

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

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

525 (18) Rule 8K-2.010, Florida Administrative Code, relating
 526 to Investment Agreements.

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

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

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

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

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

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

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

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

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

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

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

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

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

555 Florida. No agency appears to have clear authority to
556 repeal such rules.

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

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

569
570 Note.—Rule 8K-1.008 implemented s. 288.709(2), Florida
571 Statutes, which was repealed by section 487, chapter
572 2011-142, Laws of Florida, leaving the rule out of
573 conformity with the law to be implemented.

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

580
581 Note.—Rule 8K-2.002 implemented s. 288.707, Florida
582 Statutes, which was repealed by section 487, chapter

583 2011-142, Laws of Florida, and s. 288.711, Florida
584 Statutes, which was repealed by section 24, chapter
585 2007-157, Laws of Florida, leaving the rule out of
586 conformity with the laws to be implemented.

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

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

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

607
608 Note.—Rules 8M-1.001 through 8M-1.004 implemented
609 chapters 91-157 and 91-272, Laws of Florida, which
610 were implementing bills for the 1991 General

611 Appropriations Act. When those laws expired July 1,
612 1992, the rules became out of conformity with the laws
613 to be implemented.

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

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

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

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

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

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

640 (d) Rule 10D-116.004, subsections (1), (2), and (3),
641 Florida Administrative Code, relating to Provider Hospital
642 Responsibilities.

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

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

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

652
653 Note.—The rules in this section were adopted by the
654 former Department of Health and Rehabilitative
655 Services before the Type Two Transfer of
656 responsibility for public health matters to the
657 Department of Health by section 6, chapter 96-403,
658 Laws of Florida. Rules 10D-116.001, 10D-116.002, 10D-
659 116.003, 10D-116.004, 10D-116.005, 10D-116.006, and
660 10D-116.007 implemented s. 383.336, Florida Statutes,
661 amended by section 77, chapter 99-8, Laws of Florida,
662 to authorize rulemaking by the Department of Health.
663 The abolition of responsibility for public health
664 matters in the former Department of Health and
665 Rehabilitative Services creates uncertainty about the

666 continued validity of these rules. Therefore, the
667 Department of Health should readopt or revise those
668 portions of the rules which remain necessary to
669 implement the agency's statutory authority.

670
671 Note.—Rules 10D-116.001, 10D-116.002(4), 10D-
672 116.002(5), 10D-116.002(6), 10D-116.003, and 10D-
673 116.004 reiterate or paraphrase provisions of s.
674 383.336, Florida Statutes, and do not conform with the
675 requirements of ss. 120.536(1) and 120.545(1)(c),
676 Florida Statutes.

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

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

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

691 (2) Rule 10D-116.006, subsection (4), Florida
692 Administrative Code, relating to Functions of Peer Review

693 Boards, stating the results of a review will not serve as
 694 evidence in certain proceedings.

695 (3) Rule 10D-116.007, Florida Administrative Code,
 696 assigning certain responsibilities to Agency for Health Care
 697 Administration.

698
 699 Note.—Rules 10D-116.004(4), 10D-116.006(4), and 10D-
 700 116.007 exceed the authority delegated in the specific
 701 law to be implemented.

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

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

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

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

715
 716 Note.—The rules in this section were adopted by the
 717 former Department of Health and Rehabilitative
 718 Services before the Type Two Transfer of
 719 responsibility for public health matters to the
 720 Department of Health by section 6, chapter 96-403,

721 Laws of Florida. The abolition of responsibility for
 722 public health matters in the former Department of
 723 Health and Rehabilitative Services raises a question
 724 about the continued validity of these rules. Rules
 725 10D-124.003 and 10D-124.004 implemented s. 240.4028,
 726 Florida Statutes, which was repealed by section 1058,
 727 chapter 2002-387, Laws of Florida. Therefore, the
 728 Department of Health should readopt or revise those
 729 portions of the rules which remain necessary to
 730 implement the agency's statutory authority.

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

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

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

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

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

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

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

747 (7) Rule 37-1.007, Florida Administrative Code, relating
 748 to General Information Concerning Council, Its Record and
 749 Proceedings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

779 (22) Rule 37-4.001, Florida Administrative Code, relating
 780 to General provisions pertaining to petition for declaratory
 781 statement.

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

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

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

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

790 (27) Rule 37-5.003, Florida Administrative Code, relating
 791 to Voting.

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

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

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

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

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

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

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

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

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

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

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

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

816 (40) Rule 37-6.001, Florida Administrative Code, relating
 817 to Interpretation of Rules.

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

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

822
 823 Note.—The rules in this section, comprising Title 37
 824 of the Florida Administrative Code, were adopted by
 825 the former Advisory Council on Intergovernmental
 826 Relations, which was abolished by section 9, chapter
 827 96-311, Laws of Florida. The rulemaking authority for
 828 the above rules was abolished by section 9, chapter
 829 96-311, Laws of Florida. The above rules variously

830 implemented ss. 120.53 and 120.54, Florida Statutes,
831 which were extensively revised by sections 9 and 10,
832 chapter 96-159, Laws of Florida, eliminating certain
833 provisions implemented by such rules, and ss. 163.703,
834 163.704, 163.705, 163.7055, 163.706, 163.707, and
835 163.708, Florida Statutes, which were repealed by
836 section 9, chapter 96-311, Laws of Florida. The
837 substance of these statutes was reenacted as s. 11.70,
838 Florida Statutes, by section 1, chapter 96-311, Laws
839 of Florida, which was repealed by section 3, chapter
840 2011-34, Laws of Florida, leaving the rules out of
841 conformity with the law to be implemented. No agency
842 appears to have clear authority to repeal such rules.

843
844 Section 13. The following rules of the former Department
845 of Labor and Employment Security are nullified and of no further
846 force or effect:

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

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

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

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

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858 (5) Rule 38I-40.006, Florida Administrative Code, relating
859 to Collection of Information Concerning Completed Asbestos
860 Abatement Work.

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

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

865 (8) Rule 38I-40.009, Florida Administrative Code, relating
866 to Preparation and Implementation of Asbestos Operation and
867 Maintenance Plans.

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

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

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

874 (12) Rule 38I-40.013, Florida Administrative Code,
875 relating to Regional Asbestos Program Managers.

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

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

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

882
883 Note.—The rulemaking authority for the above rules was
884 abolished by section 35, chapter 2011-213, Laws of

885 Florida. No agency appears to have clear authority to
 886 repeal such rules.

887
 888 Note.—Rules 38I-40.002 and 38I-40.003 implemented s.
 889 255.554, Florida Statutes, which was repealed by
 890 section 10, chapter 99-5, Laws of Florida, and ss.
 891 255.552 and 255.553, Florida Statutes, which were
 892 repealed by section 35, chapter 2011-213, Laws of
 893 Florida, leaving the rules out of conformity with the
 894 laws to be implemented.

895
 896 Note.—Rule 38I-40.004 implemented s. 255.554, Florida
 897 Statutes, which was repealed by section 10, chapter
 898 99-5, Laws of Florida, and ss. 255.552, 255.553, and
 899 255.556, Florida Statutes, which were repealed by
 900 section 35, chapter 2011-213, Laws of Florida, leaving
 901 the rule out of conformity with the laws to be
 902 implemented.

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

909
 910 Note.—Rule 38I-40.006 implemented s. 255.552, Florida
 911 Statutes, which was repealed by section 35, chapter

912 2011-213, Laws of Florida, leaving the rule out of
 913 conformity with the law to be implemented.

914
 915 Note.—Rules 38I-40.007 and 38I-40.010 implemented ss.
 916 255.552, 255.553, 255.555, 255.556, and 255.557,
 917 Florida Statutes, which were repealed by section 35,
 918 chapter 2011-213, Laws of Florida, leaving the rules
 919 out of conformity with the laws to be implemented.

920
 921 Note.—Rule 38I-40.011 implemented s. 255.554, Florida
 922 Statutes, which was repealed by section 10, chapter
 923 99-5, Laws of Florida, and ss. 255.552, 255.553,
 924 255.555, and 255.557, Florida Statutes, which were
 925 repealed by section 35, chapter 2011-213, Laws of
 926 Florida, leaving the rule out of conformity with the
 927 laws to be implemented.

928
 929 Note.—Rule 38I-40.012 implemented s. 255.565, Florida
 930 Statutes, which was repealed by section 15, chapter
 931 2001-89, Laws of Florida, leaving the rule out of
 932 conformity with the law to be implemented.

933
 934 Note.—Rule 38I-40.013 implemented s. 255.554, Florida
 935 Statutes, which was repealed by section 10, chapter
 936 99-5, Laws of Florida, and ss. 255.552, 255.553,
 937 255.557, 255.561, and 255.562, Florida Statutes, which
 938 were repealed by section 35, chapter 2011-213, Laws of

939 Florida, leaving the rule out of conformity with the
 940 laws to be implemented.

941
 942 Note.—Rule 38I-40.014 implemented s. 255.565, Florida
 943 Statutes, which was repealed by section 15, chapter
 944 2001-89, Laws of Florida, and s. 255.552, Florida
 945 Statutes, which was repealed by section 35, chapter
 946 2011-213, Laws of Florida, leaving the rule out of
 947 conformity with the laws to be implemented.

948
 949 Note.—Rule 38I-40.015 implemented s. 255.561, Florida
 950 Statutes, which was repealed by section 35, chapter
 951 2011-213, Laws of Florida, leaving the rule out of
 952 conformity with the law to be implemented.

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

960
 961 Section 14. (1) Effective July 1, 2013, the following
 962 rules of the former Department of Labor and Employment Security
 963 are nullified and of no further force or effect:

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

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

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

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

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

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

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

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

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

982 (2) Before the effective date of this section, the
 983 Department of Education shall initiate rulemaking to readopt or
 984 revise those portions of the rules which are necessary to
 985 implement the affected statutes.

986
 987 Note.—The rules in this section were adopted by the
 988 former Department of Labor and Employment Security,
 989 which was abolished by section 69, chapter 2002-194,
 990 Laws of Florida. The Division of Vocational
 991 Rehabilitation was placed under the Department of
 992 Education by section 1, chapter 2002-22, Laws of
 993 Florida, without a clear accompanying transfer of

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994 these rules, leaving the rules out of conformity with
995 the law to be implemented. While no agency appears to
996 have clear authority to repeal such rules, the laws
997 implemented remain under the jurisdiction of the
998 Department of Education. Therefore, the Department of
999 Education should readopt or revise those portions of
1000 the rules which remain necessary to implement the
1001 agency's statutory authority.

1003 Section 15. Upon this act becoming a law, its enactment
1004 and effective dates shall be noted in the Florida Administrative
1005 Code or the Florida Administrative Weekly or both, as
1006 appropriate with an appropriate notice that the rules listed in
1007 sections 3-14 of this act have been repealed by law. The
1008 administrative rules nullified by this act shall be treated as
1009 repealed for purposes of all future editions of the Florida
1010 Administrative Code. The provisions of sections 3-14 of this act
1011 serve no other purpose and shall not be codified in the Florida
1012 Statutes. This act does not alter rulemaking authority delegated
1013 or withdrawn by previous law.

1014 Section 16. This act shall take effect 60 days after
1015 becoming a law.