

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED  (Y/N)  
ADOPTED AS AMENDED  (Y/N)  
ADOPTED W/O OBJECTION  (Y/N)  
FAILED TO ADOPT  (Y/N)  
WITHDRAWN  (Y/N)  
OTHER

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1 Committee/Subcommittee hearing PCB: Rulemaking & Regulation  
2 Subcommittee

3 Representative Rooney offered the following:

4  
5 **Amendment**

6 Remove everything after the enacting clause and insert:  
7 Section 1. Subsections (2) and (3) of section 120.536,  
8 Florida Statutes, are amended, and subsection (4) of section  
9 120.536 is created to read:

10 120.536 Rulemaking authority; repeal; challenge.—

11 (2) Unless otherwise expressly provided by law, the repeal  
12 of the specific powers and duties granted by the enabling  
13 statute repeals all rules adopted to implement or interpret  
14 those specific powers and duties. As of the effective date of  
15 the repeal of the specific powers and duties, the Department of  
16 State shall remove the rule from the Florida Administrative Code  
17 and update the historical notes to show the rule repealed by  
18 operation of law.

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19       ~~(2)~~(3) The Administrative Procedures Committee or any  
20 substantially affected person may petition an agency to repeal  
21 any rule, or portion thereof, because it exceeds the rulemaking  
22 authority permitted by this section. Not later than 30 days  
23 after the date of filing the petition if the agency is headed by  
24 an individual, or not later than 45 days if the agency is headed  
25 by a collegial body, the agency shall initiate rulemaking  
26 proceedings to repeal the rule, or portion thereof, or deny the  
27 petition, giving a written statement of its reasons for the  
28 denial.

29       ~~(3)~~(4) Nothing in this section shall be construed to  
30 change the legal status of a rule that has otherwise been  
31 judicially or administratively determined to be invalid.

32       Section 2. Section 120.555, Florida Statutes, is created  
33 to read:

34       120.555 .- Summary Removal of Published Rules No Longer in  
35 Force and Effect.- When, as part of the continuous revision  
36 system authorized in s. 120.55(1)(a)1., or otherwise, the  
37 Department of State is in doubt whether a rule published in the  
38 official version of the Florida Administrative Code is still in  
39 full force and effect, the procedure of this section shall be  
40 employed.

41       (1)       The Secretary of State, as head of the Department of  
42 State and under the authority provided in s. 16.01(3),  
43 shall submit to the Attorney General a written request for  
44 an advisory opinion as to whether the rule is still in full  
45 force and effect. A copy of the request shall be promptly  
46 delivered to the committee and to the head of the agency

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47 that adopted the rule, or of its successor, if any, or if  
48 no agency head can be identified, to the Governor. The  
49 Department of State shall publish a notice of the request  
50 together with a copy of the request in the Florida  
51 Administrative Weekly next available after delivery of the  
52 request to the Attorney General.

53 (2) No later than 60 days from the date the notice  
54 required in subsection (1) is published, the Attorney  
55 General shall provide the Secretary of State with a written  
56 opinion on whether the rule is still in full force and  
57 effect and shall deliver a copy of the opinion to the  
58 committee.

59 (3) The Department of State shall publish a notice of the  
60 opinion in the Florida Administrative Weekly next available  
61 after receipt of the opinion from the Attorney General.

62 (4) If the opinion from the Attorney General states the  
63 rule is no longer in full force or effect, the notice  
64 required in subsection (3) shall also give notice of the  
65 following:

66 (a) Based on the opinion received from the Attorney  
67 General the rule will be repealed summarily under this  
68 section and removed from the Florida Administrative Code.

69 (b) Any objection to the summary repeal under this section  
70 must be filed as a petition challenging a proposed rule  
71 under s. 120.56 and must be filed no later than 21 days  
72 from the date the notice is published in the Florida  
73 Administrative Weekly.

74 (c) For purposes only of challenging a summary repeal

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75 under this section, any agency with current authority to  
76 repeal the rule under s. 120.54 shall be named as the  
77 respondent in the petition and shall be the proper party  
78 in interest. In such circumstances, the Department of  
79 State shall not be named as a party in a petition filed  
80 under paragraph (b) and this paragraph.

81 (d) If no agency currently has authority to repeal the  
82 rule under s. 120.54 the Department of State shall be  
83 named as the respondent in a petition filed under  
84 paragraph (b) and this paragraph. The Attorney General  
85 shall represent the Department of State in all  
86 proceedings under this paragraph.

87 (5) Upon the expiration of 21 days from the date the  
88 notice of summary repeal is published under subsection (4),  
89 if no timely objection is filed, or, if a timely objection  
90 is filed, on the date a decision finding the rule is no  
91 longer in full force and effect becomes final, the  
92 Department of State shall update the Florida Administrative  
93 Code to remove the rule and shall provide historical notes  
94 identifying the manner in which the rule ceased to have  
95 full force and effect, including the summary repeal under  
96 this section.

97 Section 3. The following rules of the Northwest Florida  
98 Water Management District are nullified and of no further force  
99 or effect:

100 Rule 40A-1.1020, Florida Administrative Code, relating to  
101 General Procedures for Permit Applications.

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102 Rule 40A-1.1030, Florida Administrative Code, relating to  
103 Contract Bidding Resolution of Protest.

104 Rule 40A-1.1040, Florida Administrative Code, relating to  
105 General Permits.

106 Rule 40A-1.180, Florida Administrative Code, relating to  
107 Procedures for Contracting for Professional Services.

108 Rule 40A-1.181, Florida Administrative Code, relating to  
109 Contracting Bidding-Reservation of Right.

110 Rule 40A-1.182, Florida Administrative Code, relating to  
111 Contracting Bidding-Resolution of Protest.

112 Rule 40A-2.311, Florida Administrative Code, relating to  
113 Competing Applications.

114 Rule 40A-3.038, Florida Administrative Code, relating to  
115 Violations of Licensing Requirements.

116 Rule 40A-4.061, Florida Administrative Code, relating to  
117 Mitigation Banks.

118 Rule 40A-4.143, Florida Administrative Code, relating to  
119 Abandonment.

120 Rule 40A-4.461, Florida Administrative Code, relating to  
121 Inspection.

122 Rule 40A-4.471, Florida Administrative Code, relating to  
123 Abatement.

124 Rule 40A-6.461, Florida Administrative Code, relating to  
125 Inspections.

126 Rule 40A-6.491, Florida Administrative Code, relating to  
127 Unlawful Use.

128 Rule 40A-44.143 Florida Administrative Code, relating to  
129 Abandonment.

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130 Section 4. The following rules of the Suwannee River Water  
131 Management District are nullified and of no further force or  
132 effect:

133 Rule 40B-1.100, Florida Administrative Code, relating to  
134 Uniform Rules of Procedure and Statement of District  
135 Organization and Operation.

136 Rule 40B-1.510, Florida Administrative Code, relating to  
137 District Investigations and Probable Cause Determinations.

138 Rule 40B-1.702, Florida Administrative Code, relating to  
139 Permits Required.

140 Rule 40B-1.705, Florida Administrative Code, relating to  
141 Complaints.

142 Rule 40B-1.801, Florida Administrative Code, relating to  
143 General provisions pertaining to procurement.

144 Rule 40B-1.802, Florida Administrative Code, relating to  
145 Definitions.

146 Rule 40B-1.804, Florida Administrative Code, relating to  
147 Certification and Competitive Selection for Professional  
148 Services.

149 Rule 40B-1.805, Florida Administrative Code, relating to  
150 Competitive Negotiation.

151 Rule 40B-1.808, Florida Administrative Code, relating to  
152 Applicability.

153 Rule 40B-1.810, Florida Administrative Code, relating to  
154 Procurement of Commodities or Contractual Services.

155 Rule 40B-1.811, Florida Administrative Code, relating to  
156 Prequalified Providers.

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157 Rule 40B-1.812, Florida Administrative Code, relating to  
158 Contract Bidding - Reservation of Rights.

159 Rule 40B-1.813, Florida Administrative Code, relating to  
160 Contract Bidding - Resolution of Protests.

161 Rule 40B-2.025, Florida Administrative Code, relating to  
162 Processing of Water Use Permit Applications.

163 Rule 40B-2.201, Florida Administrative Code, relating to  
164 Permit Fees.

165 Rule 40B-2.311, Florida Administrative Code, relating to  
166 Competing Applications.

167 Rule 40B-2.341, Florida Administrative Code, relating to  
168 Revocation of Permits.

169 Rule 40B-2.441, Florida Administrative Code, relating to  
170 Temporary Water Use Permits.

171 Rule 40B-2.781, Florida Administrative Code, relating to  
172 Enforcement.

173 Rule 40B-3.011 Florida Administrative Code, relating to  
174 Policy and Purpose.

175 Rule 40B-3.031, Florida Administrative Code, relating to  
176 Implementation.

177 Rule 40B-3.038 Florida Administrative Code, relating to  
178 Violations of Licensing Requirements.

179 Rule 40B-3.039, Florida Administrative Code, relating to  
180 Penalties.

181 Rule 40B-3.0391, Florida Administrative Code, relating to  
182 Enforcement.

183 Rule 40B-3.0511, Florida Administrative Code, relating to  
184 Variances.

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185 Rule 40B-3.500, Florida Administrative Code, relating to  
186 Scope of Part II.

187 Rule 40B-3.507, Florida Administrative Code, relating to  
188 Casing and Liner Pipe Standards.

189 Rule 40B-3.525, Florida Administrative Code, relating to  
190 Explosives.

191 Rule 40B-4.1050, Florida Administrative Code, relating to  
192 Permit Fees.

193 Rule 40B-5.0021, Florida Administrative Code, relating to  
194 Definitions.

195 Rule 40B-5.0051, Florida Administrative Code, relating to  
196 Exemptions.

197 Rule 40B-5.0121, Florida Administrative Code, relating to  
198 Notice and Hearing Requirements.

199 Rule 40B-5.0201, Florida Administrative Code, relating to  
200 Permit Processing Fee.

201 Rule 40B-5.0351, Florida Administrative Code, relating to  
202 Transfer of Permits.

203 Rule 40B-5.0751, Florida Administrative Code, relating to  
204 Enforcement and Penalties.

205 Rule 40B-5.0901, Florida Administrative Code, relating to  
206 Forms and Instructions.

207 Rule 40B-9.045, Florida Administrative Code, relating to  
208 Acquisition Procedures-Confiscation.

209 Rule 40B-9.065, Florida Administrative Code, relating to  
210 Disclosure of Beneficial Interest.

211 Rule 40B-9.081, Florida Administrative Code, relating to  
212 Disposition of Surplus Real Property.



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213 Rule 40B-21.031, Florida Administrative Code, relating to  
214 Elements of the Plan.

215 Rule 40B-21.291, Florida Administrative Code, relating to  
216 Variances.

217 Rule 40B-21.421, Florida Administrative Code, relating to  
218 Compliance.

219 Rule 40B-21.511, Florida Administrative Code, relating to  
220 General provisions pertaining to classification of water users.

221 Section 5. The following rules of the St. Johns River  
222 Water Management District are nullified and of no further force  
223 or effect:

224 Rule 40C-2.441, Florida Administrative Code, relating to  
225 Temporary Permits.

226 Rule 40C-3.038, Florida Administrative Code, relating to  
227 Violations of Contractor Licensing Requirements.

228 Rule 40C-3.039, Florida Administrative Code, relating to  
229 Penalties.

230 Rule 40C-3.040, Florida Administrative Code, relating to  
231 Scope of Part 1.

232 Rule 40C-3.201, Florida Administrative Code, relating to  
233 Permit Processing Fee.

234 Rule 40C-3.321, Florida Administrative Code, relating to  
235 Duration of Permits.

236 Rule 40C-3.525, Florida Administrative Code, relating to  
237 Explosives.

238 Rule 40C-3.529, Florida Administrative Code, relating to  
239 Flowing Wells.

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240 Rule 40C-3.532 Florida Administrative Code, relating to  
241 Violations of Well Construction Standards.

242 Rule 40C-4.011, Florida Administrative Code, relating to  
243 Policy and Purpose.

244 Rule 40C-4.201, Florida Administrative Code, relating to  
245 Permit Processing Fee.

246 Rule 40C-4.351, Florida Administrative Code, relating to  
247 Transfer of Permits.

248 Rule 40C-4.751, Florida Administrative Code, relating to  
249 Enforcement.

250 Rule 40C-9.001, Florida Administrative Code, relating to  
251 Purpose.

252 Rule 40C-9.031, Florida Administrative Code, relating to  
253 Selection of Lands - Five Year Plan Pursuant to Section 373.199,  
254 Florida Statutes.

255 Rule 40C-9.045, Florida Administrative Code, relating to  
256 Acquisition Procedures - Condemnation

257 Rule 40C-9.065, Florida Administrative Code, relating to  
258 Disclosure of Beneficial Interest.

259 Rule 40C-9.071, Florida Administrative Code, relating to  
260 Use of Trust Funds.

261 Rule 40C-9.081, Florida Administrative Code, relating to  
262 Disposition of Surplus Land.

263 Rule 40C-9.115, Florida Administrative Code, relating to  
264 Land Management Review Team.

265 Rule 40C-9.400, Florida Administrative Code, relating to  
266 Individuals Living on District Lands.

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267 Rule 40C-21.031, Florida Administrative Code, relating to  
268 Elements of the Plan.

269 Rule 40C-24.001, Florida Administrative Code, relating to  
270 Policy and Purpose.

271 Rule 40C-24.010, Florida Administrative Code, relating to  
272 Definitions.

273 Rule 40C-24.020, Florida Administrative Code, relating to  
274 Incentive Program.

275 Rule 40C-24.030, Florida Administrative Code, relating to  
276 Incentive Program-Qualifying.

277 Rule 40C-40.011, Florida Administrative Code, relating to  
278 Policy and Purpose.

279 Rule 40C-40.021, Florida Administrative Code, relating to  
280 Definitions.

281 Rule 40C-40.031, Florida Administrative Code, relating to  
282 Implementation.

283 Rule 40C-40.321, Florida Administrative Code, relating to  
284 Duration of Permit.

285 Rule 40C-40.381, Florida Administrative Code, relating to  
286 Limiting Conditions.

287 Rule 40C-40.900, Florida Administrative Code, relating to  
288 Forms and Instructions.

289 Rule 40C-42.071, Florida Administrative Code, relating to  
290 Permit Processing Fee.

291 Rule 40C-42.081, Florida Administrative Code, relating to  
292 General Provisions.

293 Rule 40C-44.081, Florida Administrative Code, relating to  
294 Permit Processing Fee.

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295 Section 6. The following rules of the Southwest Florida  
296 Water Management District are nullified and of no further force  
297 or effect:

298 Rule 40D-1.902, Florida Administrative Code, relating to  
299 District Investigations and Probable Cause Determinations.

300 Rule 40D-2.311, Florida Administrative Code, relating to  
301 Competing Applications.

302 Rule 40D-2.511, Florida Administrative Code, relating to  
303 Declaration of Water Shortage.

304 Rule 40D-3.011, Florida Administrative Code, relating to  
305 Policy and Purpose.

306 Rule 40D-3.031, Florida Administrative Code, relating to  
307 Implementation.

308 Rule 40D-3.038, Florida Administrative Code, relating to  
309 Violations of Contractor Licensing Requirements.

310 Rule 40D-3.201, Florida Administrative Code, relating to  
311 Permit Processing Fee.

312 Rule 40D-3.525, Florida Administrative Code, relating to  
313 Explosives.

314 Rule 40D-3.529, Florida Administrative Code, relating to  
315 Flowing Wells.

316 Rule 40D-4.031, Florida Administrative Code, relating to  
317 Implementation, Effective Date and Applicability.

318 Rule 40D-4.054, Florida Administrative Code, relating to  
319 Alteration of Exempt Projects.

320 Rule 40D-4.201, Florida Administrative Code, relating to  
321 Permit Processing Fee.

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322 Rule 40D-4.461, Florida Administrative Code, relating to  
323 Inspection.

324 Rule 40D-40.011, Florida Administrative Code, relating to  
325 Policy and Purpose.

326 Rule 40D-40.031, Florida Administrative Code, relating to  
327 Implementation, Effective Date and Applicability.

328 Rule 40D-400.201, Florida Administrative Code, relating to  
329 Policy and Purpose.

330 Rule 40D-9.101, Florida Administrative Code, relating to  
331 Recreational Land Use Policy.

332 Rule 40D-9.110, Florida Administrative Code, relating to  
333 Scope and Applicability.

334 Rule 40D-9.300, Florida Administrative Code, relating to  
335 Trespass After Notice.

336 Rule 40D-9.310, Florida Administrative Code, relating to  
337 Penalties.

338 Rule 40D-21.031, Florida Administrative Code, relating to  
339 Elements of the Plan.

340 Rule 40D-21.441, Florida Administrative Code, relating to  
341 Public Supply Water Shortage Mitigation Plans

342 Section 7. The following rules of the South Florida Water  
343 Management District are nullified and of no further force or  
344 effect:

345 Rule 40E-0.103, Florida Administrative Code, relating to  
346 Procedures for Processing Permit Applications.

347 Rule 40E-0.105, Florida Administrative Code, relating to  
348 Consideration of Intended Agency Decision on Permit  
349 Applications.

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350 Rule 40E-1.100, Florida Administrative Code, relating to  
351 Uniform Rules of Procedure and Statement of District  
352 Organization and Operation.

353 Rule 40E-1.1065, Florida Administrative Code, relating to  
354 Misuse of Public Position.

355 Rule 40E-1.125, Florida Administrative Code, relating to  
356 Public Information and Inspection of Records.

357 Rule 40E-1.200, Florida Administrative Code, relating to  
358 Procedures for Agendas and Scheduling of Meetings and Workshops.

359 Rule 40E-1.208, Florida Administrative Code, relating to  
360 Procedure for Abstaining from Voting Conflicts of Interest.

361 Rule 40E-1.300, Florida Administrative Code, relating to  
362 Rulemaking Procedures.

363 Rule 40E-1.400, Florida Administrative Code, relating to  
364 Procedures Regarding Declaratory Statements.

365 Rule 40E-1.500, Florida Administrative Code, relating to  
366 Procedures for Proceedings Which Determine Substantial Interests  
367 and Associated Mediation.

368 Rule 40E-1.511, Florida Administrative Code, relating to  
369 Point of Entry Into Proceedings.

370 Rule 40E-1.520, Florida Administrative Code, relating to  
371 Procedures Concerning Formal Proceedings.

372 Rule 40E-1.521, Florida Administrative Code, relating to  
373 Initiation of Formal Proceedings.

374 Rule 40E-1.564, Florida Administrative Code, relating to  
375 Exceptions of Recommended Order.

376 Rule 40E-1.570, Florida Administrative Code, relating to  
377 Procedures Concerning Informal Proceedings.

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378 Rule 40E-1.601, Florida Administrative Code, relating to  
379 General provisions pertaining to administrative procedures  
380 applicable to permitting decisions.

381 Rule 40E-1.608, Florida Administrative Code, relating to  
382 Denial of Permits.

383 Rule 40E-1.611, Florida Administrative Code, relating to  
384 Emergency Action.

385 Rule 40E-1.6115, Florida Administrative Code, relating to  
386 Emergency Authorization.

387 Rule 40E-2.441, Florida Administrative Code, relating to  
388 Temporary Permits.

389 Rule 40E-3.010, Florida Administrative Code, relating to  
390 Review of Water Well Permit Applications.

391 Rule 40E-3.0511, Florida Administrative Code, relating to  
392 Exemptions and Variances for Well Construction Permits.

393 Rule 40E-4.311, Florida Administrative Code, relating to  
394 Variances from Specified Review Criteria for Environmental  
395 Resource Permits.

396 Rule 40E-7.201, Florida Administrative Code, relating to  
397 Policy and Purpose.

398 Rule 40E-7.205, Florida Administrative Code, relating to  
399 Competitive Selection for Professional Services.

400 Rule 40E-7.300, Florida Administrative Code, relating to  
401 Procedures Concerning Bid Protests of Solicitations or Contract  
402 Awards.

403 Rule 40E-7.401, Florida Administrative Code, relating to  
404 District Transfer of Funds.

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405 Rule 40E-20.141, Florida Administrative Code, relating to  
406 Request for Additional Information.

407 Rule 40E-20.341, Florida Administrative Code, relating to  
408 Revocation of General Water Use Permits.

409 Rule 40E-20.391, Florida Administrative Code, relating to  
410 Publication.

411 Rule 40E-21.031, Florida Administrative Code, relating to  
412 Elements of the Plan.

413 Rule 40E-21.132, Florida Administrative Code, relating to  
414 Water Use Restrictions.

415 Rule 40E-21.611, Florida Administrative Code, relating to  
416 Classification System.

417 Rule 40E-22.082, Florida Administrative Code, relating to  
418 Minimum Flows.

419 Rule 40E-22.112, Florida Administrative Code, relating to  
420 Permit Classification.

421 Rule 40E-22.132, Florida Administrative Code, relating to  
422 Water Shortage Plan.

423 Rule 40E-22.242, Florida Administrative Code, relating to  
424 Minimum Flow.

425 Rule 40E-22.252, Florida Administrative Code, relating to  
426 Permit Classification.

427 Rule 40E-22.272, Florida Administrative Code, relating to  
428 Water Use Restrictions.

429 Rule 40E-23.011, Florida Administrative Code, relating to  
430 Policy and Purpose.

431 Rule 40E-23.021, Florida Administrative Code, relating to  
432 Definitions.



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433 Rule 40E-23.023, Florida Administrative Code, relating to  
434 Boundaries.

435 Rule 40E-23.031, Florida Administrative Code, relating to  
436 Implementation.

437 Rule 40E-23.043, Florida Administrative Code, relating to  
438 Application.

439 Rule 40E-23.053, Florida Administrative Code, relating to  
440 Criteria for Designation.

441 Rule 40E-63.201, Florida Administrative Code, relating to  
442 Scope.

443 Rule 40E-63.211, Florida Administrative Code, relating to  
444 Purpose.

445 Rule 40E-63.212, Florida Administrative Code, relating  
446 to Definitions.

447 Rule 40E-63.223, Florida Administrative Code, relating to  
448 Model to Quantify Annual Allocation of Replacement Water.

449 Rule 40E-63.225, Florida Administrative Code, relating to  
450 Delivery of Average Annual Allocation of Replacement Water.

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

453 Rule 8K-1.001, Florida Administrative Code, relating to  
454 Purpose.

455 Rule 8K-1.002, Florida Administrative Code, relating to  
456 Authority and Duties.

457 Rule 8K-1.003, Florida Administrative Code, relating to  
458 Members, Officers and Employees.

459 Rule 8K-1.004, Florida Administrative Code, relating to  
460 Meetings of the Board.

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461 Rule 8K-1.005, Florida Administrative Code, relating to  
462 Notice of Meeting.

463 Rule 8K-1.006, Florida Administrative Code, relating to  
464 Records; Public Information.

465 Rule 8K-1.007, Florida Administrative Code, relating to  
466 Business Address and Hours.

467 Rule 8K-1.008, Florida Administrative Code, relating to  
468 Seal.

469 Rule 8K-2.001, Florida Administrative Code, relating to  
470 Purpose.

471 Rule 8K-2.002, Florida Administrative Code, relating to  
472 Definitions.

473 Rule 8K-2.003, Florida Administrative Code, relating to  
474 Application Procedure.

475 Rule 8K-2.004, Florida Administrative Code, relating to  
476 Board Investments; Type and Conditions.

477 Rule 8K-2.005, Florida Administrative Code, relating to  
478 Community Support.

479 Rule 8K-2.006, Florida Administrative Code, relating to  
480 Accountability.

481 Rule 8K-2.007, Florida Administrative Code, relating to  
482 Misuse of Funds; Penalty; Appeal.

483 Rule 8K-2.008, Florida Administrative Code, relating to  
484 Local Impact Projects.

485 Rule 8K-2.009, Florida Administrative Code, relating to  
486 Certified Corporations.

487 Rule 8K-2.010, Florida Administrative Code, relating to  
488 Investment Agreements.

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489 Rule 8M-1.001 Florida Administrative Code, relating to  
490 Definitions.

491 Rule 8M-1.002 Florida Administrative Code, relating to  
492 Grant Applications.

493 Rule 8M-1.003 Florida Administrative Code, relating to  
494 Application Review.

495 Rule 8M-1.004 Florida Administrative Code, relating to  
496 Award of Grants.

497 Rule 8M-2.001 Florida Administrative Code, relating to  
498 Definitions.

499 Rule 8M-2.002 Florida Administrative Code, relating to  
500 Grant Applications.

501 Rule 8M-2.003 Florida Administrative Code, relating to  
502 Application Review.

503 Rule 8M-2.004 Florida Administrative Code, relating to  
504 Award of Grants.

505 Rule 8M-3.001 Florida Administrative Code, relating to  
506 Purpose.

507 Rule 8M-3.002, Florida Administrative Code, relating to  
508 Definitions.

509 Rule 8M-3.003, Florida Administrative Code, relating to  
510 Applications for Consideration.

511 Rule 8M-3.004, Florida Administrative Code, relating to  
512 Criteria for the Determination of Grant Award.

513

514 Note.—The rulemaking authority for Rules 8K-1.001 through  
515 8K-1.008 and 8K-2.001 through 8K-2.010 was abolished by  
516 Section 3, Chapter 2002-180, Laws of Florida. No agency  
517 appears to have clear authority to repeal said rules.

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518  
519 Rules 8K-1.001 and 8K-1.002 implemented s. 288.707,  
520 288.709, and 288.7091, F.S., which were repealed by Section  
521 487, Chapter 2011-142, Laws of Florida, leaving the rules  
522 out of conformity with the law to be implemented.

523  
524 Rules 8K-1.003, 8K-1.004, 8K-1.005, 8K-1.006, and 8K-1.007  
525 implemented s. 288.707, F.S., which was repealed by Section  
526 487, Chapter 2011-142, Laws of Florida, leaving the rules  
527 out of conformity with the law to be implemented.

528  
529 Rule 8K-1.008 implemented s. 288.709(2), F.S., which was  
530 repealed by Section 487, Chapter 2011-142, Laws of Florida,  
531 leaving the rule out of conformity with the law to be  
532 implemented.

533  
534 Rules 8K-2.001, 8K-2.006, and 8K-2.007 implemented s.  
535 288.711, F.S., which was repealed by Section 24, Chapter  
536 2007-157, Laws of Florida, leaving the rules out of  
537 conformity with the law to be implemented.

538  
539 Rule 8K-2.002 implemented s. 288.707, F.S., which was  
540 repealed by Section 487, Chapter 2011-142, Laws of Florida,  
541 and s. 288.711, F.S., which was repealed by Section 24,  
542 Chapter 2007-157, Laws of Florida, leaving the rule out of  
543 conformity with the laws to be implemented.

544  
545 Rules 8K-2.003, 8K-2.004, 8K-2,009, and 8K-2.010  
546 implemented s. 288.71 and 288.711, F.S., which were  
547 repealed by Section 24, Chapter 2007-157, Laws of Florida,  
548 and s. 288.7091, F.S., which was repealed by Section 487,  
549 Chapter 2011-142, Laws of Florida, leaving the rules out of  
550 conformity with the laws to be implemented.

551  
552 Rules 8K-2.005 and 8K-2.008 implemented s. 288.71 and  
553 288.711, F.S., which were repealed by Section 24, Chapter  
554 2007-157, Laws of Florida, leaving the rules out of  
555 conformity with the laws to be implemented.

556  
557 Note.—The rulemaking authority for Rules 8M-1.001 through  
558 8M-1.004 and 8M-2.001 through 8M-2.004 was abolished by

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559 Section 154, Chapter 96-320, Laws of Florida. No agency  
560 appears to have clear authority to repeal said rules.  
561

562 Rules 8M-1.001 through 8M-1.004 implemented Chapters 91-157  
563 and 91-272, Laws of Florida, which were implementing bills  
564 for the 1991 General Appropriations Act. When those laws  
565 expired July 1, 1992, the rules became out of conformity  
566 with the laws to be implemented.  
567

568 Rules 8M-2.001 through 8M-2.004 implemented s. 288.806,  
569 F.S., which was repealed by Section 154, Chapter 96-320,  
570 Laws of Florida, leaving the rules out of conformity with  
571 the laws to be implemented.  
572

573 Note.— The rulemaking authority for Rules 8M-3.001, 8M-  
574 3.002, 8M-3.003, and 8M-3.004 was abolished by Section 133,  
575 Chapter 96-320, Laws of Florida. These specific rules  
576 implemented s. 311.11, F.S., which was revised extensively  
577 by Section 49, Chapter 97-278, Laws of Florida, leaving the  
578 rules out of conformity with the laws to be implemented. No  
579 agency appears to have clear authority to repeal said  
580 rules.

581 Section 9. (a) The following rules of the former  
582 Department of Health and Rehabilitative Services, Health Program  
583 Office, are nullified and of no further force or effect:

584 Rule [10D-116.001](#), Florida Administrative Code, relating to  
585 Purpose.

586 Rule [10D-116.002](#), Florida Administrative Code, relating to  
587 Definitions.

588 Rule [10D-116.003](#), Florida Administrative Code, relating to  
589 Department Responsibilities.

590 Rule [10D-116.004](#), subsections (1), (2), and (3), Florida  
591 Administrative Code, relating to Provider Hospital  
592 Responsibilities.

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593 Rule 10D-116.005, Florida Administrative Code, relating to  
594 Practice Parameters.

595 Rule 10D-116.006, subsections (1), (2), and (3), Florida  
596 Administrative Code, relating to Functions of Peer Review  
597 Boards.

598 (b) Prior to the effective date of this section the  
599 Department of Health shall initiate rulemaking to readopt or  
600 revise those portions of the rules which are necessary to  
601 implement the affected statutes.

602 Note. - The rules in this section were adopted by the  
603 former Department of Health and Rehabilitative Services  
604 prior to the Type Two Transfer of responsibility for public  
605 health matters to the Department of Health by Section 6,  
606 Chapter 96-403, Laws of Florida. Rules 10D-116.001, 10D-  
607 116.002, 10D-116.003, 10D-116.004, 10D-116.005, 10D-  
608 116.006, and 10D-116.007 implemented s. 383.336, F.S.,  
609 amended by Section 77, Chapter 99-8, Laws of Florida, to  
610 authorize rulemaking by the Department of Health. The  
611 abolition of responsibility for public health matters in  
612 the former Department of Health and Rehabilitative Services  
613 creates uncertainty about the continued validity of these  
614 rules. Therefore, the Department of Health should readopt  
615 or revise those portions of the rules which remain  
616 necessary to implement the agency's statutory authority.  
617

618 Rules 10D-116.001, 10D-116.002(4), 10D-116.002(5), 10D-  
619 116.002(6), 10D-116.003, and 10D-116.004, reiterate or  
620 paraphrase provisions of s. 383.336, F.S., and do not  
621 conform with the requirements of ss. 120.536(1), and  
622 120.545(1)(c), F.S.  
623

624 Rules 10D-116.002(2) and 10D-116.004(3) interpret the  
625 statute with references to the former Department of Health  
626 and Rehabilitative Services or repealed statutes and do not  
627 conform with the specific law to be implemented.

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628 Section 10. The following rules of the former Department  
629 of Health and Rehabilitative Services, Health Program Office,  
630 are nullified and of no further force or effect:

631 Rule [10D-116.004](#), subsection (4), Florida Administrative  
632 Code, relating to Provider Hospital Responsibilities, directing  
633 the making of reports to the Agency for Health Care  
634 Administration.

635 Rule [10D-116.006](#), subsection (4), Florida Administrative  
636 Code, relating to Functions of Peer Review Boards, stating the  
637 results of a review will not serve as evidence in certain  
638 proceedings.

639 Rule [10D-116.007](#), Florida Administrative Code, assigning  
640 certain responsibilities to Agency for Health Care  
641 Administration.

642 Note.- Rules 10D-116.004(4), 10D-116.006(4), and 10D-  
643 116.007 exceed the authority delegated in the specific law  
644 to be implemented.

645 Section 11. (a) The following rules of the former  
646 Department of Health and Rehabilitative Services, Health Program  
647 Office, are nullified and of no further force or effect:

648 Rule [10D-124.003](#), Florida Administrative Code, relating to  
649 Payment of Scholarship Funds.

650 Rule [10D-124.004](#), Florida Administrative Code, relating to  
651 Placement of Nursing Scholars.

652 (b) Prior to the effective date of this section the  
653 Department of Health shall initiate rulemaking to readopt or  
654 revise those portions of the rules which are necessary to  
655 implement the affected statutes.

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656 Note.— The rules in this section were adopted by the former  
657 Department of Health and Rehabilitative Services prior to  
658 the Type Two Transfer of responsibility for public health  
659 matters to the Department of Health by Section 6, Chapter  
660 96-403, Laws of Florida. The abolition of responsibility  
661 for public health matters in the former Department of  
662 Health and Rehabilitative Services raises a question about  
663 the continued validity of these rules. Rules 10D-124.003  
664 and 10D-124.004 implemented s. 240.4028, F.S., which was  
665 repealed by Section 1058, Chapter 2002-387, Laws of  
666 Florida. Therefore, the Department of Health should readopt  
667 or revise those portions of the rules which remain  
668 necessary to implement the agency's statutory authority.  
669 Section 12. The following rules of the former Advisory

670 Council on Intergovernmental Relations are nullified and of no  
671 further force or effect:

672 Rule 37-1.001, Florida Administrative Code, relating to  
673 General Authority.

674 Rule 37-1.002, Florida Administrative Code, relating to  
675 Composition of the Council.

676 Rule 37-1.003, Florida Administrative Code, relating to  
677 Council Officers.

678 Rule 37-1.004, Florida Administrative Code, relating to  
679 General Description of Council Organization and Operations.

680 Rule 37-1.005, Florida Administrative Code, relating to  
681 Council Functions and Duties.

682 Rule 37-1.006, Florida Administrative Code, relating to  
683 Council Recommendations.

684 Rule 37-1.007, Florida Administrative Code, relating to  
685 General Information Concerning Council, Its Record and  
686 Proceedings.



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687 Rule 37-2.001, Florida Administrative Code, relating to  
688 Notice of Meeting.

689 Rule 37-2.002, Florida Administrative Code, relating to  
690 Scheduling of Meetings.

691 Rule 37-2.003, Florida Administrative Code, relating to  
692 Meetings, Hearings; Intergovernmental Cooperation.

693 Rule 37-2.004, Florida Administrative Code, relating to  
694 Agenda of Meetings and Workshops.

695 Rule 37-2.005, Florida Administrative Code, relating to  
696 Emergency Meetings.

697 Rule 37-2.006, Florida Administrative Code, relating to  
698 Model Rules Application.

699 Rule 37-3.001, Florida Administrative Code, relating to  
700 Commencement of Proceeding.

701 Rule 37-3.002, Florida Administrative Code, relating to  
702 Notice of Proceeding, and the Proposed Rules.

703 Rule 37-3.003, Florida Administrative Code, relating to  
704 Petitions to Initiate Rule Making Proceedings.

705 Rule 37-3.004 Florida Administrative Code, relating to  
706 Agency Action on Petitions to Initiate Rule Making Proceedings.

707 Rule 37-3.005, Florida Administrative Code, relating to  
708 Rule Making Proceeding - Hearing.

709 Rule 37-3.006, Florida Administrative Code, relating to  
710 Description of Publication by Reference.

711 Rule 37-3.007, Florida Administrative Code, relating to  
712 Emergency Rule Hearing.

713 Rule 37-3.008, Florida Administrative Code, relating to  
714 Model Rules Application.

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715 Rule 37-4.001, Florida Administrative Code, relating to  
716 General provisions pertaining to petition for declaratory  
717 statement.

718 Rule 37-4.002, Florida Administrative Code, relating to  
719 Purpose and Use of Declaratory Statement.

720 Rule 37-4.003, Florida Administrative Code, relating to  
721 Council Disposition.

722 Rule 37-5.001, Florida Administrative Code, relating to  
723 Members Present Shall Vote.

724 Rule 37-5.002, Florida Administrative Code, relating to  
725 Quorum; Majority Action.

726 Rule 37-5.003, Florida Administrative Code, relating to  
727 Voting.

728 Rule 37-5.004, Florida Administrative Code, relating to  
729 Change of Vote.

730 Rule 37-5.005, Florida Administrative Code, relating to  
731 Casting Vote for Another.

732 Rule 37-5.006, Florida Administrative Code, relating to  
733 Explanation of Vote.

734 Rule 37-5.007, Florida Administrative Code, relating to  
735 Motions; How Made, Withdrawn.

736 Rule 37-5.008, Florida Administrative Code, relating to  
737 Motions; Precedence.

738 Rule 37-5.009, Florida Administrative Code, relating to  
739 Order of Questions.

740 Rule 37-5.010, Florida Administrative Code, relating to  
741 Motions; Disposition.

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742 Rule 37-5.011, Florida Administrative Code, relating to  
743 Reconsideration: Generally.

744 Rule 37-5.012, Florida Administrative Code, relating to  
745 Motion to Lay on Table.

746 Rule 37-5.013, Florida Administrative Code, relating to  
747 Amendments; Manner of Consideration.

748 Rule 37-5.014, Florida Administrative Code, relating to  
749 Amendments; Adoption.

750 Rule 37-5.015, Florida Administrative Code, relating to  
751 Sequence of Amendments to Amendments.

752 Rule 37-6.001, Florida Administrative Code, relating to  
753 Interpretation of Rules.

754 Rule 37-6.002, Florida Administrative Code, relating to  
755 Waiver and Suspension of Rules.

756 Rule 37-6.003, Florida Administrative Code, relating to  
757 General provisions pertaining to construction of rules.

758 Note.—The rules in this section, comprising Title 37 of the  
759 Florida Administrative Code, were adopted by the former  
760 Advisory Council on Intergovernmental Relations, which was  
761 abolished by Section 9, Chapter 96-311, Laws of Florida.  
762 The rulemaking authority for the above rules was abolished  
763 by Section 9, Chapter 96-311, Laws of Florida. The above  
764 rules variously implemented s. 120.53 and 120.54, F.S.,  
765 which were extensively revised by Sections 9 and 10,  
766 respectively, Chapter 96-159, Laws of Florida, eliminating  
767 certain provisions implemented by such rules, and s.  
768 163.703, 163.704, 163.705, 163.7055, 163.706, 163.707, &  
769 163.708, F.S., which were repealed by Section 9, Chapter  
770 96-311, Laws of Florida. The substance of these statutes  
771 was reenacted as s. 11.70, F.S., by Section 1, Chapter 96-  
772 311, Laws of Florida, which was repealed by Section 3,  
773 Chapter 2011-34, Laws of Florida, leaving the rules out of

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774 conformity with the law to be implemented. No agency  
775 appears to have clear authority to repeal said rules.  
776 Section 13. The following rules of the former Department  
777 of Labor and Employment Security are nullified and of no further  
778 force or effect:

779 Rule [38I-40.002](#), Florida Administrative Code, relating to  
780 Definitions.

781 Rule 38I-40.003, Florida Administrative Code, relating to  
782 Identification of State-Owned Buildings and the Building  
783 Asbestos Contract Person for Each Building.

784 Rule 38I-40.004, Florida Administrative Code, relating to  
785 Review and Approval of Building Asbestos Surveys Completed Prior  
786 to January 1, 1989.

787 Rule 38I-40.005, Florida Administrative Code, relating to  
788 Review and Approval of Current Operation and Maintenance Plans  
789 Implemented Prior to January 1, 1989.

790 Rule 38I-40.006, Florida Administrative Code, relating to  
791 Collection of Information Concerning Completed Asbestos  
792 Abatement Work.

793 Rule 38I-40.007, Florida Administrative Code, relating to  
794 Standardization of Asbestos Management Activities.

795 Rule 38I-40.008, Florida Administrative Code, relating to  
796 Completion of Asbestos Surveys.

797 Rule 38I-40.009, Florida Administrative Code, relating to  
798 Preparation and Implementation of Asbestos Operation and  
799 Maintenance Plans.

800 Rule 38I-40.010, Florida Administrative Code, relating to  
801 Agency Responsibilities for Management of Asbestos.

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802 Rule 38I-40.011, Florida Administrative Code, relating to  
803 Building Asbestos Contact Person.

804 Rule 38I-40.012, Florida Administrative Code, relating to  
805 Asbestos Oversight Program Team.

806 Rule 38I-40.013, Florida Administrative Code, relating to  
807 Regional Asbestos Program Managers.

808 Rule 38I-40.014, Florida Administrative Code, relating to  
809 Training Requirements.

810 Rule 38I-40.015, Florida Administrative Code, relating to  
811 Safety and Health Requirements.

812 Rule 38I-40.016, Florida Administrative Code, relating to  
813 Standard Technical Specifications and Guides.

814 Note.— The rulemaking authority for the above rules was  
815 abolished by Section 35, Chapter 2011-213, Laws of Florida.  
816 No agency appears to have clear authority to repeal said  
817 rules.

818  
819 Rules 38I-40.002 and 38I-40.003 implemented s. 255.554,  
820 F.S., which was repealed by Section 10, Chapter 99-5, Laws  
821 of Florida, and s. 255.552 and 255.553, F.S., which were  
822 repealed by Section 35, Chapter 2011-213, Laws of Florida,  
823 leaving the rules out of conformity with the laws to be  
824 implemented.

825  
826 Rule 38I-40.004 implemented s. 255.554, F.S., which was  
827 repealed by Section 10, Chapter 99-5, Laws of Florida, and  
828 s. 255.552, 255.553, and 255.556, F.S., which were repealed  
829 by Section 35, Chapter 2011-213, Laws of Florida, leaving  
830 the rule out of conformity with the laws to be implemented.

831  
832 Rules 38I-40.005, 38I-40.008, and 38I-40.009 implemented s.  
833 255.552 and 255.557, F.S., which were repealed by Section  
834 35, Chapter 2011-213, Laws of Florida, leaving the rules  
835 out of conformity with the laws to be implemented.  
836

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837 Rule 38I-40.006 implemented 255.552, F.S., which was  
838 repealed by Section 35, Chapter 2011-213, Laws of Florida,  
839 leaving the rule out of conformity with the law to be  
840 implemented.  
841  
842 Rules 38I-40.007 and 38I-40.010 implemented 255.552,  
843 255.553, 255.555, 255.556, and 255.557, F.S., which were  
844 repealed by Section 35, Chapter 2011-213, Laws of Florida,  
845 leaving the rules out of conformity with the laws to be  
846 implemented.  
847  
848 Rule 38I-40.011 implemented s. 255.554, F.S., which was  
849 repealed by Section 10, Chapter 99-5, Laws of Florida, and  
850 s. 255.552, 255.553, 255.555, and 255.557, F.S., which were  
851 repealed by Section 35, Chapter 2011-213, Laws of Florida,  
852 leaving the rule out of conformity with the laws to be  
853 implemented.  
854  
855 Rule 38I-40.012 implemented 255.565, F.S., which was  
856 repealed by Section 15, Chapter 2001-89, Laws of Florida,  
857 leaving the rule out of conformity with the law to be  
858 implemented.  
859  
860 Rule 38I-40.013 implemented s. 255.554, F.S., which was  
861 repealed by Section 10, Chapter 99-5, Laws of Florida, and  
862 s. 255.552, 255.553, 255.557, 255.561, and 255.562, F.S.,  
863 which were repealed by Section 35, Chapter 2011-213, Laws  
864 of Florida, leaving the rule out of conformity with the  
865 laws to be implemented.  
866  
867 Rule 38I-40.014 implemented 255.565, F.S., which was  
868 repealed by Section 15, Chapter 2001-89, Laws of Florida,  
869 and 255.552, F.S., which was repealed by Section 35,  
870 Chapter 2011-213, Laws of Florida, leaving the rule out of  
871 conformity with the laws to be implemented.  
872  
873 Rule 38I-40.015 implemented 255.561, F.S., which was  
874 repealed by Section 35, Chapter 2011-213, Laws of Florida,  
875 leaving the rule out of conformity with the law to be  
876 implemented.  
877

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878 Rule 38I-40.016 implemented 255.552, 255.553, 255.557,  
879 255.558, 255.559, 255.56, 255.561, and 255.562, F.S., which  
880 were repealed by Section 35, Chapter 2011-213, Laws of  
881 Florida, leaving the rule out of conformity with the laws  
882 to be implemented.

883 Section 14. (a) The following rules of the former  
884 Department of Labor and Employment Security are nullified and of  
885 no further force or effect:

886 Rule 38J-1.001, Florida Administrative Code, relating to  
887 Recovery From Third Parties.

888 Rule 38J-1.002, Florida Administrative Code, relating to  
889 Definitions.

890 Rule 38J-1.003, Florida Administrative Code, relating to  
891 Right to Make Informed Choice.

892 Rule 38J-1.004, Florida Administrative Code, relating to  
893 Division Services - General.

894 Rule 38J-1.005, Florida Administrative Code, relating to  
895 Additional Requirements for Providing Certain Services.

896 Rule 38J-1.006, Florida Administrative Code, relating to  
897 Division Decisions and Appeal Procedures.

898 Rule 38J-1.007, Florida Administrative Code, relating to  
899 Case Closure due to individual's actions.

900 Rule 38J-1.008, Florida Administrative Code, relating to  
901 Destruction of Records.

902 Rule 38J-1.009, Florida Administrative Code, relating to  
903 Forms and Documents.

904 (b) Prior to the effective date of this section the  
905 Department of Education shall initiate rulemaking to readopt or

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906 revise those portions of the rules which are necessary to  
907 implement the affected statutes.

908 Note.—The rules in this section were adopted by the former  
909 Department of Labor and Employment Security, which was  
910 abolished by Section 69, Chapter 2002-194, Laws of Florida.  
911 The Division of Vocational Rehabilitation was placed under  
912 the Department of Education by Section 1, Chapter 2002-22,  
913 Laws of Florida, without a clear accompanying transfer of  
914 these rules, leaving the rules out of conformity with the  
915 law to be implemented. While no agency appears to have  
916 clear authority to repeal said rules, the laws implemented  
917 remain under the jurisdiction of the Department of  
918 Education. Therefore, the Department of Education should  
919 readopt or revise those portions of the rules which remain  
920 necessary to implement the agency's statutory authority.  
921 Section 15. Upon this act becoming law, its enactment and  
922 effective dates shall be noted in the Florida Administrative  
923 Code or the Florida Administrative Weekly or both, as  
924 appropriate with an appropriate notice that the rules listed in  
925 s. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 have been repealed  
926 by law. The administrative rules nullified by this act shall be  
927 treated as repealed for purposes of all future editions of the  
928 Florida Administrative Code upon the applicable effective dates.  
929 The provisions of s. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14  
930 serve no other purpose and shall not be codified in the Florida  
931 Statutes. This act does not alter rulemaking authority delegated  
932 or withdrawn by prior law.

933 Section 16. This act shall take effect 60 days after  
934 becoming a law, except the provisions of sections 9, 11, and 14  
935 shall not take effect before July 1, 2013.