

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

24
 25 Be It Enacted by the Legislature of the State of Florida:
 26

27 Section 1. Subsections (2) and (3) of section 120.536,
 28 Florida Statutes, are amended, and subsection (4) of section
 29 120.536 is created to read:

30 120.536 Rulemaking authority; repeal; challenge.—

31 (2) Unless otherwise expressly provided by law, the repeal
 32 of the specific powers and duties granted by the enabling
 33 statute repeals all rules adopted to implement or interpret
 34 those specific powers and duties. As of the effective date of
 35 the repeal of the specific powers and duties, the Department of
 36 State shall remove the rule from the Florida Administrative Code
 37 and update the historical notes to show the rule repealed by
 38 operation of law.

39 ~~(2)~~(3) The Administrative Procedures Committee or any
 40 substantially affected person may petition an agency to repeal
 41 any rule, or portion thereof, because it exceeds the rulemaking
 42 authority permitted by this section. Not later than 30 days
 43 after the date of filing the petition if the agency is headed by
 44 an individual, or not later than 45 days if the agency is headed
 45 by a collegial body, the agency shall initiate rulemaking
 46 proceedings to repeal the rule, or portion thereof, or deny the
 47 petition, giving a written statement of its reasons for the
 48 denial.

49 ~~(3)~~(4) Nothing in this section shall be construed to
 50 change the legal status of a rule that has otherwise been
 51 judicially or administratively determined to be invalid.

52 Section 2. Section 120.555, Florida Statutes, is created
 53 to read:

54 120.555 .— Summary Removal of Published Rules No Longer in

55 Force and Effect.- When, as part of the continuous revision
 56 system authorized in s. 120.55(1)(a)1., or otherwise, the
 57 Department of State is in doubt whether a rule published in the
 58 official version of the Florida Administrative Code is still in
 59 full force and effect, the procedure of this section shall be
 60 employed.

61 (1) The Secretary of State, as head of the Department of
 62 State and under the authority provided in s. 16.01(3),
 63 shall submit to the Attorney General a written request for
 64 an advisory opinion as to whether the rule is still in full
 65 force and effect. A copy of the request shall be promptly
 66 delivered to the committee and to the head of the agency
 67 that adopted the rule, or of its successor, if any, or if
 68 no agency head can be identified, to the Governor. The
 69 Department of State shall publish a notice of the request
 70 together with a copy of the request in the Florida
 71 Administrative Weekly next available after delivery of the
 72 request to the Attorney General.

73 (2) No later than 60 days from the date the notice
 74 required in subsection (1) is published, the Attorney
 75 General shall provide the Secretary of State with a written
 76 opinion on whether the rule is still in full force and
 77 effect and shall deliver a copy of the opinion to the
 78 committee.

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

82 (4) If the opinion from the Attorney General states the

83 | rule is no longer in full force or effect, the notice
 84 | required in subsection (3) shall also give notice of the
 85 | following:

86 | (a) Based on the opinion received from the Attorney
 87 | General the rule will be repealed summarily under this
 88 | section and removed from the Florida Administrative Code.

89 | (b) Any objection to the summary repeal under this section
 90 | must be filed as a petition challenging a proposed rule
 91 | under s. 120.56 and must be filed no later than 21 days
 92 | from the date the notice is published in the Florida
 93 | Administrative Weekly.

94 | (c) For purposes only of challenging a summary repeal
 95 | under this section, any agency with current authority to
 96 | repeal the rule under s. 120.54 shall be named as the
 97 | respondent in the petition and shall be the proper party
 98 | in interest. In such circumstances, the Department of
 99 | State shall not be named as a party in a petition filed
 100 | under paragraph (b) and this paragraph.

101 | (d) If no agency currently has authority to repeal the
 102 | rule under s. 120.54 the Department of State shall be
 103 | named as the respondent in a petition filed under
 104 | paragraph (b) and this paragraph. The Attorney General
 105 | shall represent the Department of State in all
 106 | proceedings under this paragraph.

107 | (5) Upon the expiration of 21 days from the date the
 108 | notice of summary repeal is published under subsection (4),
 109 | if no timely objection is filed, or, if a timely objection
 110 | is filed, on the date a decision finding the rule is no

111 | longer in full force and effect becomes final, the
 112 | Department of State shall update the Florida Administrative
 113 | Code to remove the rule and shall provide historical notes
 114 | identifying the manner in which the rule ceased to have
 115 | full force and effect, including the summary repeal under
 116 | this section.

117 | Section 3. The following rules of the Northwest Florida
 118 | Water Management District are nullified and of no further force
 119 | or effect:

120 | Rule 40A-1.1020, Florida Administrative Code, relating to
 121 | General Procedures for Permit Applications.

122 | Rule 40A-1.1030, Florida Administrative Code, relating to
 123 | Contract Bidding Resolution of Protest.

124 | Rule 40A-1.1040, Florida Administrative Code, relating to
 125 | General Permits.

126 | Rule 40A-1.180, Florida Administrative Code, relating to
 127 | Procedures for Contracting for Professional Services.

128 | Rule 40A-1.181, Florida Administrative Code, relating to
 129 | Contracting Bidding-Reservation of Right.

130 | Rule 40A-1.182, Florida Administrative Code, relating to
 131 | Contracting Bidding-Resolution of Protest.

132 | Rule 40A-2.311, Florida Administrative Code, relating to
 133 | Competing Applications.

134 | Rule 40A-3.038, Florida Administrative Code, relating to
 135 | Violations of Licensing Requirements.

136 | Rule 40A-4.061, Florida Administrative Code, relating to
 137 | Mitigation Banks.

138 | Rule 40A-4.143, Florida Administrative Code, relating to

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139 Abandonment.

140 Rule 40A-4.461, Florida Administrative Code, relating to

141 Inspection.

142 Rule 40A-4.471, Florida Administrative Code, relating to

143 Abatement.

144 Rule 40A-6.461, Florida Administrative Code, relating to

145 Inspections.

146 Rule 40A-6.491, Florida Administrative Code, relating to

147 Unlawful Use.

148 Rule 40A-44.143 Florida Administrative Code, relating to

149 Abandonment.

150 Section 4. The following rules of the Suwannee River Water

151 Management District are nullified and of no further force or

152 effect:

153 Rule 40B-1.100, Florida Administrative Code, relating to

154 Uniform Rules of Procedure and Statement of District

155 Organization and Operation.

156 Rule 40B-1.510, Florida Administrative Code, relating to

157 District Investigations and Probable Cause Determinations.

158 Rule 40B-1.702, Florida Administrative Code, relating to

159 Permits Required.

160 Rule 40B-1.705, Florida Administrative Code, relating to

161 Complaints.

162 Rule 40B-1.801, Florida Administrative Code, relating to

163 General provisions pertaining to procurement.

164 Rule 40B-1.802, Florida Administrative Code, relating to

165 Definitions.

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166 Rule 40B-1.804, Florida Administrative Code, relating to
 167 Certification and Competitive Selection for Professional
 168 Services.

169 Rule 40B-1.805, Florida Administrative Code, relating to
 170 Competitive Negotiation.

171 Rule 40B-1.808, Florida Administrative Code, relating to
 172 Applicability.

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

175 Rule 40B-1.811, Florida Administrative Code, relating to
 176 Prequalified Providers.

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

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

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

183 Rule 40B-2.201, Florida Administrative Code, relating to
 184 Permit Fees.

185 Rule 40B-2.311, Florida Administrative Code, relating to
 186 Competing Applications.

187 Rule 40B-2.341, Florida Administrative Code, relating to
 188 Revocation of Permits.

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

191 Rule 40B-2.781, Florida Administrative Code, relating to
 192 Enforcement.

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193 Rule 40B-3.011 Florida Administrative Code, relating to
194 Policy and Purpose.

195 Rule 40B-3.031, Florida Administrative Code, relating to
196 Implementation.

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

199 Rule 40B-3.039, Florida Administrative Code, relating to
200 Penalties.

201 Rule 40B-3.0391, Florida Administrative Code, relating to
202 Enforcement.

203 Rule 40B-3.0511, Florida Administrative Code, relating to
204 Variances.

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

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

209 Rule 40B-3.525, Florida Administrative Code, relating to
210 Explosives.

211 Rule 40B-4.1050, Florida Administrative Code, relating to
212 Permit Fees.

213 Rule 40B-5.0021, Florida Administrative Code, relating to
214 Definitions.

215 Rule 40B-5.0051, Florida Administrative Code, relating to
216 Exemptions.

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

219 Rule 40B-5.0201, Florida Administrative Code, relating to
220 Permit Processing Fee.

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221 Rule 40B-5.0351, Florida Administrative Code, relating to
222 Transfer of Permits.

223 Rule 40B-5.0751, Florida Administrative Code, relating to
224 Enforcement and Penalties.

225 Rule 40B-5.0901, Florida Administrative Code, relating to
226 Forms and Instructions.

227 Rule 40B-9.045, Florida Administrative Code, relating to
228 Acquisition Procedures-Confiscation.

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

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

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

235 Rule 40B-21.291, Florida Administrative Code, relating to
236 Variances.

237 Rule 40B-21.421, Florida Administrative Code, relating to
238 Compliance.

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

241 Section 5. The following rules of the St. Johns River
242 Water Management District are nullified and of no further force
243 or effect:

244 Rule 40C-2.441, Florida Administrative Code, relating to
245 Temporary Permits.

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

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248 Rule 40C-3.039, Florida Administrative Code, relating to
 249 Penalties.
 250 Rule 40C-3.040, Florida Administrative Code, relating to
 251 Scope of Part 1.
 252 Rule 40C-3.201, Florida Administrative Code, relating to
 253 Permit Processing Fee.
 254 Rule 40C-3.321, Florida Administrative Code, relating to
 255 Duration of Permits.
 256 Rule 40C-3.525, Florida Administrative Code, relating to
 257 Explosives.
 258 Rule 40C-3.529, Florida Administrative Code, relating to
 259 Flowing Wells.
 260 Rule 40C-3.532 Florida Administrative Code, relating to
 261 Violations of Well Construction Standards.
 262 Rule 40C-4.011, Florida Administrative Code, relating to
 263 Policy and Purpose.
 264 Rule 40C-4.201, Florida Administrative Code, relating to
 265 Permit Processing Fee.
 266 Rule 40C-4.351, Florida Administrative Code, relating to
 267 Transfer of Permits.
 268 Rule 40C-4.751, Florida Administrative Code, relating to
 269 Enforcement.
 270 Rule 40C-9.001, Florida Administrative Code, relating to
 271 Purpose.
 272 Rule 40C-9.031, Florida Administrative Code, relating to
 273 Selection of Lands - Five Year Plan Pursuant to Section 373.199,
 274 Florida Statutes.

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275 Rule 40C-9.045, Florida Administrative Code, relating to
276 Acquisition Procedures - Condemnation

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

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

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

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

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

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

289 Rule 40C-24.001, Florida Administrative Code, relating to
290 Policy and Purpose.

291 Rule 40C-24.010, Florida Administrative Code, relating to
292 Definitions.

293 Rule 40C-24.020, Florida Administrative Code, relating to
294 Incentive Program.

295 Rule 40C-24.030, Florida Administrative Code, relating to
296 Incentive Program-Qualifying.

297 Rule 40C-40.011, Florida Administrative Code, relating to
298 Policy and Purpose.

299 Rule 40C-40.021, Florida Administrative Code, relating to
300 Definitions.

301 Rule 40C-40.031, Florida Administrative Code, relating to
302 Implementation.

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303 Rule 40C-40.321, Florida Administrative Code, relating to
304 Duration of Permit.

305 Rule 40C-40.381, Florida Administrative Code, relating to
306 Limiting Conditions.

307 Rule 40C-40.900, Florida Administrative Code, relating to
308 Forms and Instructions.

309 Rule 40C-42.071, Florida Administrative Code, relating to
310 Permit Processing Fee.

311 Rule 40C-42.081, Florida Administrative Code, relating to
312 General Provisions.

313 Rule 40C-44.081, Florida Administrative Code, relating to
314 Permit Processing Fee.

315 Section 6. The following rules of the Southwest Florida
316 Water Management District are nullified and of no further force
317 or effect:

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

320 Rule 40D-2.311, Florida Administrative Code, relating to
321 Competing Applications.

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

324 Rule 40D-3.011, Florida Administrative Code, relating to
325 Policy and Purpose.

326 Rule 40D-3.031, Florida Administrative Code, relating to
327 Implementation.

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

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330 Rule 40D-3.201, Florida Administrative Code, relating to
331 Permit Processing Fee.

332 Rule 40D-3.525, Florida Administrative Code, relating to
333 Explosives.

334 Rule 40D-3.529, Florida Administrative Code, relating to
335 Flowing Wells.

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

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

340 Rule 40D-4.201, Florida Administrative Code, relating to
341 Permit Processing Fee.

342 Rule 40D-4.461, Florida Administrative Code, relating to
343 Inspection.

344 Rule 40D-40.011, Florida Administrative Code, relating to
345 Policy and Purpose.

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

348 Rule 40D-400.201, Florida Administrative Code, relating to
349 Policy and Purpose.

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

352 Rule 40D-9.110, Florida Administrative Code, relating to
353 Scope and Applicability.

354 Rule 40D-9.300, Florida Administrative Code, relating to
355 Trespass After Notice.

356 Rule 40D-9.310, Florida Administrative Code, relating to
357 Penalties.

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

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

362 Section 7. The following rules of the South Florida Water
 363 Management District are nullified and of no further force or
 364 effect:

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

367 Rule 40E-0.105, Florida Administrative Code, relating to
 368 Consideration of Intended Agency Decision on Permit
 369 Applications.

370 Rule 40E-1.100, Florida Administrative Code, relating to
 371 Uniform Rules of Procedure and Statement of District
 372 Organization and Operation.

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

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

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

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

381 Rule 40E-1.300, Florida Administrative Code, relating to
 382 Rulemaking Procedures.

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

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385 Rule 40E-1.500, Florida Administrative Code, relating to
 386 Procedures for Proceedings Which Determine Substantial Interests
 387 and Associated Mediation.

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

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

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

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

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

398 Rule 40E-1.601, Florida Administrative Code, relating to
 399 General provisions pertaining to administrative procedures
 400 applicable to permitting decisions.

401 Rule 40E-1.608, Florida Administrative Code, relating to
 402 Denial of Permits.

403 Rule 40E-1.611, Florida Administrative Code, relating to
 404 Emergency Action.

405 Rule 40E-1.6115, Florida Administrative Code, relating to
 406 Emergency Authorization.

407 Rule 40E-2.441, Florida Administrative Code, relating to
 408 Temporary Permits.

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

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

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413 Rule 40E-4.311, Florida Administrative Code, relating to
 414 Variances from Specified Review Criteria for Environmental
 415 Resource Permits.

416 Rule 40E-7.201, Florida Administrative Code, relating to
 417 Policy and Purpose.

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

420 Rule 40E-7.300, Florida Administrative Code, relating to
 421 Procedures Concerning Bid Protests of Solicitations or Contract
 422 Awards.

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

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

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

429 Rule 40E-20.391, Florida Administrative Code, relating to
 430 Publication.

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

433 Rule 40E-21.132, Florida Administrative Code, relating to
 434 Water Use Restrictions.

435 Rule 40E-21.611, Florida Administrative Code, relating to
 436 Classification System.

437 Rule 40E-22.082, Florida Administrative Code, relating to
 438 Minimum Flows.

439 Rule 40E-22.112, Florida Administrative Code, relating to
 440 Permit Classification.

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441 Rule 40E-22.132, Florida Administrative Code, relating to
442 Water Shortage Plan.

443 Rule 40E-22.242, Florida Administrative Code, relating to
444 Minimum Flow.

445 Rule 40E-22.252, Florida Administrative Code, relating to
446 Permit Classification.

447 Rule 40E-22.272, Florida Administrative Code, relating to
448 Water Use Restrictions.

449 Rule 40E-23.011, Florida Administrative Code, relating to
450 Policy and Purpose.

451 Rule 40E-23.021, Florida Administrative Code, relating to
452 Definitions.

453 Rule 40E-23.023, Florida Administrative Code, relating to
454 Boundaries.

455 Rule 40E-23.031, Florida Administrative Code, relating to
456 Implementation.

457 Rule 40E-23.043, Florida Administrative Code, relating to
458 Application.

459 Rule 40E-23.053, Florida Administrative Code, relating to
460 Criteria for Designation.

461 Rule 40E-63.201, Florida Administrative Code, relating to
462 Scope.

463 Rule 40E-63.211, Florida Administrative Code, relating to
464 Purpose.

465 Rule 40E-63.212, Florida Administrative Code, relating to
466 Definitions.

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

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

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

473 Rule 8K-1.001, Florida Administrative Code, relating to
 474 Purpose.

475 Rule 8K-1.002, Florida Administrative Code, relating to
 476 Authority and Duties.

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

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

481 Rule 8K-1.005, Florida Administrative Code, relating to
 482 Notice of Meeting.

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

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

487 Rule 8K-1.008, Florida Administrative Code, relating to
 488 Seal.

489 Rule 8K-2.001, Florida Administrative Code, relating to
 490 Purpose.

491 Rule 8K-2.002, Florida Administrative Code, relating to
 492 Definitions.

493 Rule 8K-2.003, Florida Administrative Code, relating to
 494 Application Procedure.

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

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497 Rule 8K-2.005, Florida Administrative Code, relating to
498 Community Support.

499 Rule 8K-2.006, Florida Administrative Code, relating to
500 Accountability.

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

503 Rule 8K-2.008, Florida Administrative Code, relating to
504 Local Impact Projects.

505 Rule 8K-2.009, Florida Administrative Code, relating to
506 Certified Corporations.

507 Rule 8K-2.010, Florida Administrative Code, relating to
508 Investment Agreements.

509 Rule 8M-1.001 Florida Administrative Code, relating to
510 Definitions.

511 Rule 8M-1.002 Florida Administrative Code, relating to
512 Grant Applications.

513 Rule 8M-1.003 Florida Administrative Code, relating to
514 Application Review.

515 Rule 8M-1.004 Florida Administrative Code, relating to
516 Award of Grants.

517 Rule 8M-2.001 Florida Administrative Code, relating to
518 Definitions.

519 Rule 8M-2.002 Florida Administrative Code, relating to
520 Grant Applications.

521 Rule 8M-2.003 Florida Administrative Code, relating to
522 Application Review.

523 Rule 8M-2.004 Florida Administrative Code, relating to
524 Award of Grants.

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525 Rule 8M-3.001 Florida Administrative Code, relating to
526 Purpose.

527 Rule 8M-3.002, Florida Administrative Code, relating to
528 Definitions.

529 Rule 8M-3.003, Florida Administrative Code, relating to
530 Applications for Consideration.

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

533
534 Note.—The rulemaking authority for Rules 8K-1.001 through 8K-
535 1.008 and 8K-2.001 through 8K-2.010 was abolished by Section 3,
536 Chapter 2002-180, Laws of Florida. No agency appears to have
537 clear authority to repeal said rules.

538
539 Rules 8K-1.001 and 8K-1.002 implemented s. 288.707, 288.709, and
540 288.7091, F.S., which were repealed by Section 487, Chapter
541 2011-142, Laws of Florida, leaving the rules out of conformity
542 with the law to be implemented.

543
544 Rules 8K-1.003, 8K-1.004, 8K-1.005, 8K-1.006, and 8K-1.007
545 implemented s. 288.707, F.S., which was repealed by Section 487,
546 Chapter 2011-142, Laws of Florida, leaving the rules out of
547 conformity with the law to be implemented.

548
549 Rule 8K-1.008 implemented s. 288.709(2), F.S., which was
550 repealed by Section 487, Chapter 2011-142, Laws of Florida,
551 leaving the rule out of conformity with the law to be
552 implemented.

553
554 Rules 8K-2.001, 8K-2.006, and 8K-2.007 implemented s. 288.711,
555 F.S., which was repealed by Section 24, Chapter 2007-157, Laws
556 of Florida, leaving the rules out of conformity with the law to
557 be implemented.

558
559 Rule 8K-2.002 implemented s. 288.707, F.S., which was repealed
560 by Section 487, Chapter 2011-142, Laws of Florida, and s.
561 288.711, F.S., which was repealed by Section 24, Chapter 2007-

562 157, Laws of Florida, leaving the rule out of conformity with
 563 the laws to be implemented.
 564
 565 Rules 8K-2.003, 8K-2.004, 8K-2,009, and 8K-2.010 implemented s.
 566 288.71 and 288.711, F.S., which were repealed by Section 24,
 567 Chapter 2007-157, Laws of Florida, and s. 288.7091, F.S., which
 568 was repealed by Section 487, Chapter 2011-142, Laws of Florida,
 569 leaving the rules out of conformity with the laws to be
 570 implemented.
 571
 572 Rules 8K-2.005 and 8K-2.008 implemented s. 288.71 and 288.711,
 573 F.S., which were repealed by Section 24, Chapter 2007-157, Laws
 574 of Florida, leaving the rules out of conformity with the laws to
 575 be implemented.
 576
 577 Note.—The rulemaking authority for Rules 8M-1.001 through 8M-
 578 1.004 and 8M-2.001 through 8M-2.004 was abolished by Section
 579 154, Chapter 96-320, Laws of Florida. No agency appears to have
 580 clear authority to repeal said rules.
 581
 582 Rules 8M-1.001 through 8M-1.004 implemented Chapters 91-157 and
 583 91-272, Laws of Florida, which were implementing bills for the
 584 1991 General Appropriations Act. When those laws expired July 1,
 585 1992, the rules became out of conformity with the laws to be
 586 implemented.
 587
 588 Rules 8M-2.001 through 8M-2.004 implemented s. 288.806, F.S.,
 589 which was repealed by Section 154, Chapter 96-320, Laws of
 590 Florida, leaving the rules out of conformity with the laws to be
 591 implemented.
 592
 593 Note.— The rulemaking authority for Rules 8M-3.001, 8M-3.002,
 594 8M-3.003, and 8M-3.004 was abolished by Section 133, Chapter 96-
 595 320, Laws of Florida. These specific rules implemented s.
 596 311.11, F.S., which was revised extensively by Section 49,
 597 Chapter 97-278, Laws of Florida, leaving the rules out of
 598 conformity with the laws to be implemented. No agency appears to
 599 have clear authority to repeal said rules.
 600

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601 Section 8. (a) The following rules of the former
 602 Department of Health and Rehabilitative Services, Health Program
 603 Office, are nullified and of no further force or effect:

604 Rule 10D-116.001, Florida Administrative Code, relating to
 605 Purpose.

606 Rule 10D-116.002, Florida Administrative Code, relating to
 607 Definitions.

608 Rule 10D-116.003, Florida Administrative Code, relating to
 609 Department Responsibilities.

610 Rule 10D-116.004, subsections (1), (2), and (3), Florida
 611 Administrative Code, relating to Provider Hospital
 612 Responsibilities.

613 Rule 10D-116.005, Florida Administrative Code, relating to
 614 Practice Parameters.

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

618 (b) Prior to the effective date of this section the
 619 Department of Health shall initiate rulemaking to readopt or
 620 revise those portions of the rules which are necessary to
 621 implement the affected statutes.

622 Note. - The rules in this section were adopted by the former
 623 Department of Health and Rehabilitative Services prior to the
 624 Type Two Transfer of responsibility for public health matters to
 625 the Department of Health by Section 6, Chapter 96-403, Laws of
 626 Florida. Rules 10D-116.001, 10D-116.002, 10D-116.003, 10D-
 627 116.004, 10D-116.005, 10D-116.006, and 10D-116.007 implemented
 628 s. 383.336, F.S., amended by Section 77, Chapter 99-8, Laws of
 629 Florida, to authorize rulemaking by the Department of Health.
 630 The abolition of responsibility for public health matters in the
 631 former Department of Health and Rehabilitative Services creates

632 uncertainty about the continued validity of these rules.
 633 Therefore, the Department of Health should readopt or revise
 634 those portions of the rules which remain necessary to implement
 635 the agency's statutory authority.

636
 637 Rules 10D-116.001, 10D-116.002(4), 10D-116.002(5), 10D-
 638 116.002(6), 10D-116.003, and 10D-116.004, reiterate or
 639 paraphrase provisions of s. 383.336, F.S., and do not conform
 640 with the requirements of ss. 120.536(1), and 120.545(1)(c), F.S.

641
 642 Rules 10D-116.002(2) and 10D-116.004(3) interpret the statute
 643 with references to the former Department of Health and
 644 Rehabilitative Services or repealed statutes and do not conform
 645 with the specific law to be implemented.

646
 647 Section 9. The following rules of the former Department of
 648 Health and Rehabilitative Services, Health Program Office, are
 649 nullified and of no further force or effect:

650 Rule 10D-116.004, subsection (4), Florida Administrative
 651 Code, relating to Provider Hospital Responsibilities, directing
 652 the making of reports to the Agency for Health Care
 653 Administration.

654 Rule 10D-116.006, subsection (4), Florida Administrative
 655 Code, relating to Functions of Peer Review Boards, stating the
 656 results of a review will not serve as evidence in certain
 657 proceedings.

658 Rule 10D-116.007, Florida Administrative Code, assigning
 659 certain responsibilities to Agency for Health Care
 660 Administration.

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

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664 Section 10. (a) The following rules of the former
 665 Department of Health and Rehabilitative Services, Health Program
 666 Office, are nullified and of no further force or effect:

667 Rule 10D-124.003, Florida Administrative Code, relating to
 668 Payment of Scholarship Funds.

669 Rule 10D-124.004, Florida Administrative Code, relating to
 670 Placement of Nursing Scholars.

671 (b) Prior to the effective date of this section the
 672 Department of Health shall initiate rulemaking to readopt or
 673 revise those portions of the rules which are necessary to
 674 implement the affected statutes.

675 Note.— The rules in this section were adopted by the former
 676 Department of Health and Rehabilitative Services prior to the
 677 Type Two Transfer of responsibility for public health matters to
 678 the Department of Health by Section 6, Chapter 96-403, Laws of
 679 Florida. The abolition of responsibility for public health
 680 matters in the former Department of Health and Rehabilitative
 681 Services raises a question about the continued validity of these
 682 rules. Rules 10D-124.003 and 10D-124.004 implemented s.
 683 240.4028, F.S., which was repealed by Section 1058, Chapter
 684 2002-387, Laws of Florida. Therefore, the Department of Health
 685 should readopt or revise those portions of the rules which
 686 remain necessary to implement the agency's statutory authority.

687 Section 11. The following rules of the former Advisory
 688 Council on Intergovernmental Relations are nullified and of no
 689 further force or effect:

690 Rule 37-1.001, Florida Administrative Code, relating to
 691 General Authority.

692 Rule 37-1.002, Florida Administrative Code, relating to
 693 Composition of the Council.

694 Rule 37-1.003, Florida Administrative Code, relating to
 695 Council Officers.

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

698 Rule 37-1.005, Florida Administrative Code, relating to
699 Council Functions and Duties.

700 Rule 37-1.006, Florida Administrative Code, relating to
701 Council Recommendations.

702 Rule 37-1.007, Florida Administrative Code, relating to
703 General Information Concerning Council, Its Record and
704 Proceedings.

705 Rule 37-2.001, Florida Administrative Code, relating to
706 Notice of Meeting.

707 Rule 37-2.002, Florida Administrative Code, relating to
708 Scheduling of Meetings.

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

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

713 Rule 37-2.005, Florida Administrative Code, relating to
714 Emergency Meetings.

715 Rule 37-2.006, Florida Administrative Code, relating to
716 Model Rules Application.

717 Rule 37-3.001, Florida Administrative Code, relating to
718 Commencement of Proceeding.

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

721 Rule 37-3.003, Florida Administrative Code, relating to
722 Petitions to Initiate Rule Making Proceedings.

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

725 Rule 37-3.005, Florida Administrative Code, relating to
726 Rule Making Proceeding - Hearing.

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

729 Rule 37-3.007, Florida Administrative Code, relating to
730 Emergency Rule Hearing.

731 Rule 37-3.008, Florida Administrative Code, relating to
732 Model Rules Application.

733 Rule 37-4.001, Florida Administrative Code, relating to
734 General provisions pertaining to petition for declaratory
735 statement.

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

738 Rule 37-4.003, Florida Administrative Code, relating to
739 Council Disposition.

740 Rule 37-5.001, Florida Administrative Code, relating to
741 Members Present Shall Vote.

742 Rule 37-5.002, Florida Administrative Code, relating to
743 Quorum; Majority Action.

744 Rule 37-5.003, Florida Administrative Code, relating to
745 Voting.

746 Rule 37-5.004, Florida Administrative Code, relating to
747 Change of Vote.

748 Rule 37-5.005, Florida Administrative Code, relating to
749 Casting Vote for Another.

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750 Rule 37-5.006, Florida Administrative Code, relating to
 751 Explanation of Vote.
 752 Rule 37-5.007, Florida Administrative Code, relating to
 753 Motions; How Made, Withdrawn.
 754 Rule 37-5.008, Florida Administrative Code, relating to
 755 Motions; Precedence.
 756 Rule 37-5.009, Florida Administrative Code, relating to
 757 Order of Questions.
 758 Rule 37-5.010, Florida Administrative Code, relating to
 759 Motions; Disposition.
 760 Rule 37-5.011, Florida Administrative Code, relating to
 761 Reconsideration: Generally.
 762 Rule 37-5.012, Florida Administrative Code, relating to
 763 Motion to Lay on Table.
 764 Rule 37-5.013, Florida Administrative Code, relating to
 765 Amendments; Manner of Consideration.
 766 Rule 37-5.014, Florida Administrative Code, relating to
 767 Amendments; Adoption.
 768 Rule 37-5.015, Florida Administrative Code, relating to
 769 Sequence of Amendments to Amendments.
 770 Rule 37-6.001, Florida Administrative Code, relating to
 771 Interpretation of Rules.
 772 Rule 37-6.002, Florida Administrative Code, relating to
 773 Waiver and Suspension of Rules.
 774 Rule 37-6.003, Florida Administrative Code, relating to
 775 General provisions pertaining to construction of rules.
 776 Note.—The rules in this section, comprising Title 37 of the
 777 Florida Administrative Code, were adopted by the former Advisory

778 Council on Intergovernmental Relations, which was abolished by
 779 Section 9, Chapter 96-311, Laws of Florida. The rulemaking
 780 authority for the above rules was abolished by Section 9,
 781 Chapter 96-311, Laws of Florida. The above rules variously
 782 implemented s. 120.53 and 120.54, F.S., which were extensively
 783 revised by Sections 9 and 10, respectively, Chapter 96-159, Laws
 784 of Florida, eliminating certain provisions implemented by such
 785 rules, and s. 163.703, 163.704, 163.705, 163.7055, 163.706,
 786 163.707, & 163.708, F.S., which were repealed by Section 9,
 787 Chapter 96-311, Laws of Florida. The substance of these
 788 statutes was reenacted as s. 11.70, F.S., by Section 1, Chapter
 789 96-311, Laws of Florida, which was repealed by Section 3,
 790 Chapter 2011-34, Laws of Florida, leaving the rules out of
 791 conformity with the law to be implemented. No agency appears to
 792 have clear authority to repeal said rules.

793
 794 Section 12. The following rules of the former Department
 795 of Labor and Employment Security are nullified and of no further
 796 force or effect:

797 Rule 38I-40.002, Florida Administrative Code, relating to
 798 Definitions.

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

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

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

808 Rule 38I-40.006, Florida Administrative Code, relating to
 809 Collection of Information Concerning Completed Asbestos
 810 Abatement Work.

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

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

815 Rule 38I-40.009, Florida Administrative Code, relating to
816 Preparation and Implementation of Asbestos Operation and
817 Maintenance Plans.

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

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

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

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

826 Rule 38I-40.014, Florida Administrative Code, relating to
827 Training Requirements.

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

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

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

835
836 Rules 38I-40.002 and 38I-40.003 implemented s. 255.554, F.S.,
837 which was repealed by Section 10, Chapter 99-5, Laws of Florida,
838 and s. 255.552 and 255.553, F.S., which were repealed by Section
839 35, Chapter 2011-213, Laws of Florida, leaving the rules out of
840 conformity with the laws to be implemented.

841

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842 Rule 38I-40.004 implemented s. 255.554, F.S., which was repealed
 843 by Section 10, Chapter 99-5, Laws of Florida, and s. 255.552,
 844 255.553, and 255.556, F.S., which were repealed by Section 35,
 845 Chapter 2011-213, Laws of Florida, leaving the rule out of
 846 conformity with the laws to be implemented.

847
 848 Rules 38I-40.005, 38I-40.008, and 38I-40.009 implemented s.
 849 255.552 and 255.557, F.S., which were repealed by Section 35,
 850 Chapter 2011-213, Laws of Florida, leaving the rules out of
 851 conformity with the laws to be implemented.

852
 853 Rule 38I-40.006 implemented 255.552, F.S., which was repealed by
 854 Section 35, Chapter 2011-213, Laws of Florida, leaving the rule
 855 out of conformity with the law to be implemented.

856
 857 Rules 38I-40.007 and 38I-40.010 implemented 255.552, 255.553,
 858 255.555, 255.556, and 255.557, F.S., which were repealed by
 859 Section 35, Chapter 2011-213, Laws of Florida, leaving the rules
 860 out of conformity with the laws to be implemented.

861
 862 Rule 38I-40.011 implemented s. 255.554, F.S., which was repealed
 863 by Section 10, Chapter 99-5, Laws of Florida, and s. 255.552,
 864 255.553, 255.555, and 255.557, F.S., which were repealed by
 865 Section 35, Chapter 2011-213, Laws of Florida, leaving the rule
 866 out of conformity with the laws to be implemented.

867
 868 Rule 38I-40.012 implemented 255.565, F.S., which was repealed by
 869 Section 15, Chapter 2001-89, Laws of Florida, leaving the rule
 870 out of conformity with the law to be implemented.

871
 872 Rule 38I-40.013 implemented s. 255.554, F.S., which was repealed
 873 by Section 10, Chapter 99-5, Laws of Florida, and s. 255.552,
 874 255.553, 255.557, 255.561, and 255.562, F.S., which were
 875 repealed by Section 35, Chapter 2011-213, Laws of Florida,
 876 leaving the rule out of conformity with the laws to be
 877 implemented.

878
 879 Rule 38I-40.014 implemented 255.565, F.S., which was repealed by
 880 Section 15, Chapter 2001-89, Laws of Florida, and 255.552, F.S.,
 881 which was repealed by Section 35, Chapter 2011-213, Laws of
 882 Florida, leaving the rule out of conformity with the laws to be

883 implemented.
 884
 885 Rule 38I-40.015 implemented 255.561, F.S., which was repealed by
 886 Section 35, Chapter 2011-213, Laws of Florida, leaving the rule
 887 out of conformity with the law to be implemented.
 888
 889 Rule 38I-40.016 implemented 255.552, 255.553. 255.557, 255.558,
 890 255.559, 255.56, 255.561, and 255.562, F.S., which were repealed
 891 by Section 35, Chapter 2011-213, Laws of Florida, leaving the
 892 rule out of conformity with the laws to be implemented.
 893
 894 Section 13. (a) The following rules of the former
 895 Department of Labor and Employment Security are nullified and of
 896 no further force or effect:
 897 Rule 38J-1.001, Florida Administrative Code, relating to
 898 Recovery From Third Parties.
 899 Rule 38J-1.002, Florida Administrative Code, relating to
 900 Definitions.
 901 Rule 38J-1.003, Florida Administrative Code, relating to
 902 Right to Make Informed Choice.
 903 Rule 38J-1.004, Florida Administrative Code, relating to
 904 Division Services - General.
 905 Rule 38J-1.005, Florida Administrative Code, relating to
 906 Additional Requirements for Providing Certain Services.
 907 Rule 38J-1.006, Florida Administrative Code, relating to
 908 Division Decisions and Appeal Procedures.
 909 Rule 38J-1.007, Florida Administrative Code, relating to
 910 Case Closure due to individual's actions.
 911 Rule 38J-1.008, Florida Administrative Code, relating to
 912 Destruction of Records.

913 Rule 38J-1.009, Florida Administrative Code, relating to
 914 Forms and Documents.

915 (b) Prior to the effective date of this section the
 916 Department of Education shall initiate rulemaking to readopt or
 917 revise those portions of the rules which are necessary to
 918 implement the affected statutes.

919 Note.—The rules in this section were adopted by the former
 920 Department of Labor and Employment Security, which was abolished
 921 by Section 69, Chapter 2002-194, Laws of Florida. The Division
 922 of Vocational Rehabilitation was placed under the Department of
 923 Education by Section 1, Chapter 2002-22, Laws of Florida,
 924 without a clear accompanying transfer of these rules, leaving
 925 the rules out of conformity with the law to be implemented.
 926 While no agency appears to have clear authority to repeal said
 927 rules, the laws implemented remain under the jurisdiction of the
 928 Department of Education. Therefore, the Department of Education
 929 should readopt or revise those portions of the rules which
 930 remain necessary to implement the agency's statutory authority.
 931

932 Section 14. Upon this act becoming law, its enactment and
 933 effective dates shall be noted in the Florida Administrative
 934 Code or the Florida Administrative Weekly or both, as
 935 appropriate with an appropriate notice that the rules listed in
 936 s. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 have been repealed by
 937 law. The administrative rules nullified by this act shall be
 938 treated as repealed for purposes of all future editions of the
 939 Florida Administrative Code. The provisions of s. 3, 4, 5, 6, 7,
 940 8, 9, 10, 11, 12, and 13 serve no other purpose and shall not be
 941 codified in the Florida Statutes. This act does not alter
 942 rulemaking authority delegated or withdrawn by prior law.

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943 | Section 15. This act shall take effect 60 days after
944 | becoming a law, except the provisions of sections 8, 10, and 13
945 | shall not take effect before July 1, 2013.