



RULEMAKING & REGULATION SUBCOMMITTEE MEETING

Wednesday, December 7, 2011

9:00 A.M. – 11:30 A.M.

306 House Office Building

Action Packet

Dean Cannon
Speaker

Chris Dorworth
Chair

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

12/7/2011 9:00:00AM

Location: 306 HOB

Summary:

Rulemaking & Regulation Subcommittee

Wednesday December 07, 2011 09:00 am

PCB RRS 12-01 Favorable With Amendments (2)

Yeas: 9 Nays: 4

PCB RRS 12-02 -- Relating to Administrative Authority
Workshopped

Committee meeting was reported out: Wednesday, December 07, 2011 12:40:56PM

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

12/7/2011 9:00:00AM

Location: 306 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Chris Dorworth (Chair)	X		
Frank Artilles			X
Jeffrey Brandes	X		
Brad Drake	X		
Matt Gaetz	X		
Tom Goodson	X		
Matt Hudson			X
Jimmy Patronis	X		
Scott Randolph	X		
Lake Ray	X		
Michelle Rehwinkel Vasilinda	X		
Hazelle Rogers	X		
Patrick Rooney, Jr.	X		
Franklin Sands	X		
Barbara Watson	X		
Totals:	13	0	2

Committee meeting was reported out: Wednesday, December 07, 2011 12:40:56PM

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

12/7/2011 9:00:00AM

Location: 306 HOB

PCB RRS 12-01 : Relating to Nullification and Repeal of Administrative Rules

Favorable With Amendments (2)

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Artiles			X		
Jeffrey Brandes	X				
Brad Drake	X				
Matt Gaetz	X				
Tom Goodson	X				
Matt Hudson			X		
Jimmy Patronis	X				
Scott Randolph	X				
Lake Ray	X				
Michelle Rehwinkel Vasilinda		X			
Hazelle Rogers		X			
Patrick Rooney, Jr.	X				
Franklin Sands		X			
Barbara Watson		X			
Chris Dorworth (Chair)	X				
Total Yeas: 9		Total Nays: 4			

Committee meeting was reported out: Wednesday, December 07, 2011 12:40:56PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

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.

PCB RRS 12-01 Strike 1



Amendment No. 1

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

PCB RRS 12-01 Strike 1



Amendment No. 1

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

PCB RRS 12-01 Strike 1



Amendment No. 1

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.

PCB RRS 12-01 Strike 1



Amendment No. 1

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.

PCB RRS 12-01 Strike 1



COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 1

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.

PCB RRS 12-01 Strike 1



COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 1

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.

PCB RRS 12-01 Strike 1



COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 1

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-Condernation.

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.

PCB RRS 12-01 Strike 1



COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 1

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.

PCB RRS 12-01 Strike 1



COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 1

- 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.

PCB RRS 12-01 Strike 1



COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 1

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.

PCB RRS 12-01 Strike 1



Amendment No. 1

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.

PCB RRS 12-01 Strike 1



COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 1

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.

PCB RRS 12-01 Strike 1



COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 1

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.

PCB RRS 12-01 Strike 1



COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 1

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.

PCB RRS 12-01 Strike 1



COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 1

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.

PCB RRS 12-01 Strike 1



Amendment No. 1

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.

PCB RRS 12-01 Strike 1



COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 1

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.

PCB RRS 12-01 Strike 1



COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 1

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
02 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.

PCB RRS 12-01 Strike 1



COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 1

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

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

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

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

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

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

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

Note.-The rulemaking authority for Rules 8M-1.001 through 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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COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 1

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
'00 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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COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 1

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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COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 1

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



Amendment No. 1

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.

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

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

3 Representative Rooney offered the following:

4
 5 **Amendment to Amendment 1 (PCB RRS 12-01 Strike 1) by**
 6 **Representative Rooney**

7 Remove lines 11-96 of the amendment and insert:

8 (2) Unless otherwise expressly provided by law:

9 (a) The repeal of one or more provisions of law implemented
 10 by a rule that on its face implements only such provision(s) and
 11 no surviving provision of law nullifies such rule. Whenever
 12 notice of the nullification of a rule under this subsection is
 13 received from the committee or otherwise, the Department of
 14 State shall remove the rule from the Florida Administrative Code
 15 as of the effective date of the law effecting such nullification
 16 and update the historical notes to show the rule nullified and
 17 repealed by operation of law.

18 (b) The repeal of one or more provisions of law implemented
 19 by a rule that on its face implements such provision(s) and one

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PCB Name: PCB RRS 12-01 (2012)

Amendment No. 2

20 or more other surviving provisions of law nullifies any such
21 rule or portion of a rule to the extent that it implements the
22 repealed law. The agency having authority to repeal or amend the
23 rule shall, within 180 days after the effective date of the
24 repealing law, publish a notice of rule development identifying
25 all portions of rules affected by the repealing law and if no
26 notice is timely published the operation of each rule
27 implementing a repealed provision of law shall be suspended
28 until such notice is published.

29 (c) The repeal of one or more provisions of law that, other
30 than as provided in (a) or (b), causes a rule or portion thereof
31 to be of uncertain enforceability shall require the Department
32 of State to treat the rule as provided by s. 120.555.

33
34 A rule shall be considered to be of uncertain enforceability
35 under paragraph (c) if the Division of Administrative Hearings
36 notifies the Department of State that a rule or provision of
37 rule has been invalidated in a DOAH proceeding based upon a
38 repeal of law, or the committee gives written notification to
39 the Department of State and the agency having power to amend or
40 repeal such rule that a law has been repealed creating doubt
41 about whether the rule is still in full force and effect.

42 +2) (3) The Administrative Procedures Committee or any
43 substantially affected person may petition an agency to repeal
44 any rule, or portion thereof, because it exceeds the rulemaking
45 authority permitted by this section. Not later than 30 days
46 after the date of filing the petition if the agency is headed by
47 an individual, or not later than 45 days if the agency is headed

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 2

48 by a collegial body, the agency shall initiate rulemaking
49 proceedings to repeal the rule, or portion thereof, or deny the
50 petition, giving a written statement of its reasons for the
51 denial.

52 ~~(3)~~(4) Nothing in this section shall be construed to
53 change the legal status of a rule that has otherwise been
54 judicially or administratively determined to be invalid.

55 Section 2. Section 120.555, Florida Statutes, is created
56 to read:

57 120.555.- Summary Removal of Published Rules No Longer in
58 Force and Effect.- When, as part of the continuous revision
59 system authorized in s. 120.55(1)(a)1., or otherwise, the
60 Department of State is in doubt whether a rule published in the
61 official version of the Florida Administrative Code is still in
62 full force and effect, the procedure of this section shall be
63 employed.

64 (1) The Department of State shall submit to the head of the
65 agency with authority to repeal or amend the rule, if any, or if
66 no such agency can be identified, to the Governor, a written
67 request for a statement as to whether the rule is still in full
68 force and effect. A copy of the request shall be promptly
69 delivered to the committee and to the Attorney General. The
70 Department of State shall publish a notice of the request
71 together with a copy of the request in the Florida
72 Administrative Weekly next available after delivery of the
73 request to the head of the agency or the Governor.

74 (2) No later than 90 days from the date the notice required
75 in subsection (1) is published, the agency, or the Governor,

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 2

76 notified pursuant to subsection (1) shall file a written
77 response with the Department of State stating whether the rule
78 is in full force and effect and under the jurisdiction of an
79 agency with full authority to amend or repeal the rule. Failure
80 to respond timely under this subsection constitutes an
81 acknowledgement by the agency or the Governor that the rule is
82 no longer in full force and effect and is subject to summary
83 repeal under this section.

84 (3) The Department of State shall publish a notice of the
85 agency or Governor's timely response or the acknowledgement
86 determined under subsection (2) in the Florida Administrative
87 Weekly next available after receipt of the response or the
88 expiration of the response period, whichever occurs first.

89 (4) If the response states the rule is no longer in full
90 force or effect, or if no response is filed timely with the
91 Department of State, the notice required in subsection (3) shall
92 also give notice of the following:

93 (a) Based on the written agency or Governor's response or
94 the acknowledgement determined under subsection (2), the rule
95 will be repealed summarily under this section and removed from
96 the Florida Administrative Code.

97 (b) Any objection to the summary repeal under this section
98 must be filed as a petition challenging a proposed rule under s.
99 120.56 and must be filed no later than 21 days from the date the
100 notice is published in the Florida Administrative Weekly.

101 (c) For purposes only of challenging a summary repeal under
102 this section, the agency with current authority to repeal the
103 rule under s. 120.54 shall be named as the respondent in the

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-01 (2012)

Amendment No. 2

104 petition and shall be the proper party in interest. In such
105 circumstances, the Department of State shall not be named as a
106 party in a petition filed under paragraph (b) and this
107 paragraph.

108 (d) If no agency currently has authority to repeal the rule
109 under s. 120.54 the Department of State shall be named as the
110 respondent in a petition filed under paragraph (b) and this
111 paragraph. The Attorney General shall represent the Department
112 of State in all proceedings under this paragraph.

113 (5) Upon the expiration of 21 days from the date the notice
114 of summary repeal is published under subsection (4), if no
115 timely objection is filed, or, if a timely objection is filed,
116 on the date a decision finding the rule is no longer in full
117 force and effect becomes final, the Department of State shall
118 update the Florida Administrative Code to remove the rule and
119 shall provide historical notes identifying the manner in which
120 the rule ceased to have full force and effect, including the
121 summary repeal under this section.

122

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

12/7/2011 9:00:00AM

Location: 306 HOB

Workshop

PCB RRS 12-02 -- Relating to Administrative Authority

Workshopped

Appearances:

Calvester Benjamin-Anderson (General Public) - Information Only

PCB RRS 12-02--Relating to Administrative Authority

Justice - 2- Jesus

1119 Newton Avenue South

St. Petersburg Florida 33705

Phone: 727-897-9291

Cindy Huddleston (Lobbyist) - Information Only

PCB RRS 12-02--Relating to Administrative Authority

Fla. Legal Services

2425 Torreya Drive

Tallahassee Florida 32303

Phone: 850-385-7900

Committee meeting was reported out: Wednesday, December 07, 2011 12:40:56PM

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

12/7/2011 9:00:00AM

Location: 306 HOB

Presentation/Workshop/Other Business Appearances:

Other Business - Need for public comment

Joe Bourassa - Information Only

Common People

801 Lewis Drive

Daytona Beach Florida 32117

Phone: 386-253-9017

Committee meeting was reported out: Wednesday, December 07, 2011 12:40:56PM

Print Date: 12/7/2011 12:40 pm

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