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THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

November 18, 2010

Ms. Nancy Tamariz
Quality Assurance Program Administrator
Office of Data Collection & Quality Assurance
Agency for Health Care Administration
2727 Mahan Drive MS #16
Tallahassee, Florida 32308-5403

RE: Agency for Health Care Administration Rules 59B-9.031,.032, .034, & .038

Dear Ms. Tamariz:

Chapter 2010-279, Laws of Florida, which became effective on November 17, 2010, substantially amends sections 120.54 and 120.541, Florida Statutes. It appears that agency rules that have been filed for adoption but are not yet effective are subject to the new legislation. See Florida Public Service Commission v. Florida Waterworks Association, 731 So. 2d 836 (Fla. 1st DCA 1999); Life Care Centers of America, Inc. v. Sawgrass Care Center, Inc., 683 So. 2d 609 (Fla. 1st DCA 1996). The above-referenced rules were filed for adoption on November 15, 2010. Please review the rules and advise the Committee whether or not the rules require legislative ratification pursuant to section 120.541(3), Florida Statutes.

Should you have any questions, please do not hesitate to contact me. Otherwise, I look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "Jowanna N. Oates".

Jowanna N. Oates
Senior Attorney