



FLORIDA
DEPARTMENT of
CORRECTIONS

Governor

RICK SCOTT

Secretary

JULIE L. JONES

501 South Calhoun Street, Tallahassee, FL 32399-2500

<http://www.dc.state.fl.us>

September 29, 2015

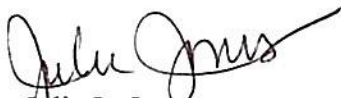
Mr. Kenneth J. Plante, Coordinator
Joint Administrative Procedures Committee
680 Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-1400

Re: 2015-2016 Annual Regulatory Plan

Dear Mr. Plante:

In accordance with section 120.74(2)(a)2., Florida Statutes, the Florida Department of Corrections hereby delivers the enclosed 2015-2016 Annual Regulatory Plan to the Joint Administrative Procedures Committee. The certification required to be provided to your Committee appears on page 8 of the Department's Annual Regulatory Plan.

Sincerely,


Julie L. Jones
Secretary

Enclosure



Department of Corrections

2015-2016 Annual Regulatory Plan

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Part 1 (pursuant to section 120.74(1)(a), Florida Statutes)

This Part fulfills the requirements of section 120.74(1)(a), Florida Statutes, according to which the Department must provide a list of laws that meet certain criteria. In some instances, two or more such laws were amended or created by a common piece of legislation. In those instances, such laws are listed together.

1. Section 381.004, Florida Statutes

- Rulemaking does not appear to be necessary to implement this law. The law appears to be sufficiently clear and detailed that any rules implementing it would be unnecessary and perhaps duplicative of the law.

2. Sections 394.455 and 394.463, Florida Statutes

- Rulemaking does not appear to be necessary to implement these laws. The laws appear to be sufficiently clear and detailed that any rules implementing them would be unnecessary and perhaps duplicative of the law.

3. Sections 20.055 and 14.32, Florida Statutes

- Rulemaking does not appear to be necessary to implement these laws. The law appears to be sufficiently clear and detailed that any rules implementing them would be unnecessary and perhaps duplicative of the law.

4. Section 117.10, Florida Statutes

- Rulemaking does not appear to be necessary to implement this law. The law appears to be sufficiently clear and detailed that any rules implementing it would be unnecessary and perhaps duplicative of the law.

5. Section 934.50, Florida Statutes

- Rulemaking does not appear to be necessary to implement this law. The law appears to be sufficiently clear and detailed that any rules implementing it would be unnecessary and perhaps duplicative of the law.

6. Chapter 2015-98(60), Laws of Florida

- Rulemaking does not appear to be necessary to implement this law. The law appears to be sufficiently clear and detailed that any rules implementing it would be unnecessary and perhaps duplicative of the law.

7. Sections 119.071 and 943.0583, Florida Statutes

- Rulemaking does not appear to be necessary to implement these laws. The laws appear to be sufficiently clear and detailed that any rules implementing them would be unnecessary and perhaps duplicative of the law.

8. Sections 409.1678 and 787.06, Florida Statutes

- Rulemaking does not appear to be necessary to implement these laws. The laws appear to be sufficiently clear and detailed that any rules implementing them would be unnecessary and perhaps duplicative of the law.

9. Section 120.055, Florida Statutes

- Rulemaking does not appear to be necessary to implement this law. The law appears to be sufficiently clear and detailed that any rules implementing it would be unnecessary and perhaps duplicative of the law.

10. Section 760.10, Florida Statutes

- Rulemaking does not appear to be necessary to implement this law. The law appears to be sufficiently clear and detailed that any rules implementing it would be unnecessary and perhaps duplicative of the law.

11. Section 120.53, Florida Statutes

- Rulemaking does not appear to be necessary to implement this law. The law appears to be sufficiently clear and detailed that any rules implementing it would be unnecessary and perhaps duplicative of the law.

12. Section 120.74, Florida Statutes

- Rulemaking does not appear to be necessary to implement this law. The law appears to be sufficiently clear and detailed that any rules implementing it would be unnecessary and perhaps duplicative of the law.

13. Sections 112.363, 121.052, 121.055, 121.071, 121.71, and 121.055, Florida Statutes

- Rulemaking does not appear to be necessary to implement these laws. The laws appear to be sufficiently clear and detailed that any rules implementing them would be unnecessary and perhaps duplicative of the law.

14. Chapter 2015-232, Laws of Florida

- Rulemaking does not appear to be necessary to implement this law. The law appears to be sufficiently clear and detailed that any rules implementing it would be unnecessary and perhaps duplicative of the law.

Part 2 (s. 120.74(1)(b), Florida Statutes)

This Part fulfills the requirements of section 120.74(1)(b), Florida Statutes, according to which the Department must list laws that meet the criteria there set forth. The below list often includes several laws grouped together where those laws would be implemented by a common rulemaking initiative, such as the amendment of a single Rule, amendment of multiple Rules within a single Chapter of the Florida Administrative Code ("F.A.C."), or amendment of Rules that appear in different chapters of the F.A.C. from one another but are nonetheless related in some other important sense. Also, some of the laws listed below are listed more than once because they are implemented by more than one Department Rule.

1. Section 20.315, Florida Statutes
Section 944.09, Florida Statutes

- The Department expects to implement these laws by amending Rule 33-302.115, F.A.C., in order to simplify the Rule and increase efficiency.

2. Section 948.09, Florida Statutes
Section 945.31, Florida Statutes
Section 20.315, Florida Statutes
Section 944.09, Florida Statutes

- The Department expects to implement these laws by amending Rule 33-302.109, F.A.C., in order to increase efficiency and to decrease redundant rules (a necessary provision of Rule 33-302.108, F.A.C., would be transferred to 33-302.109, F.A.C., and the remainder of Rule 33-302.108, F.A.C., would be repealed).

3. Section 944.09, Florida Statutes

- The Department expects to implement this law by amending Rules 33-103.001, 33-103.006, 33-103.007, and 33-103.011, F.A.C., in order to clarify each Rule.

4. Section 944.09, Florida Statutes
Section 945.41, Florida Statutes
Section 945.42, Florida Statutes
Section 945.49, Florida Statutes
 - The Department expects to implement these laws by amending Rule 33-404.201, F.A.C., in order to increase efficiency.
5. Section 944.09, Florida Statutes
Section 945.12, Florida Statutes
 - The Department expects to implement these laws by amending Rule 33-601.215, F.A.C., in order to clarify the Rule.
6. Section 944.09, Florida Statutes
Section 958.11, Florida Statutes
 - The Department expects to implement these laws by amending Rule 33-601.223, F.A.C., in order to clarify the Rule.
7. Section 944.09, Florida Statutes
 - The Department expects to implement this law by amending Rule 33-601.820, F.A.C., in order to clarify the Rule.
8. Section 944.09, Florida Statutes
 - The Department expects to implement this law by amending Rules 33-601.830 and 33-602.205, F.A.C., in order to clarify these Rules.
9. Section 944.09, Florida Statutes
Section 945.215, Florida Statutes
 - The Department expects to implement these laws by amending Rule 33-602.101, F.A.C., in order to clarify the Rule.
10. Section 944.09, Florida Statutes
 - The Department expects to implement this law by amending Rule 33-602.201, F.A.C., in order to clarify the Rule and increase efficiency.

11. Section 944.09, Florida Statutes
Section 944.472, Florida Statutes
Section 944.473, Florida Statutes

- The Department expects to implement these laws by amending Rule 33-602.2035, F.A.C., in order to clarify the Rule and increase efficiency.

12. Section 776.07, Florida Statutes
Section 944.09, Florida Statutes
Section 944.35, Florida Statutes

- The Department expects to implement these laws by amending Rule 33-602.210, F.A.C., in order to clarify the Rule.

13. Section 944.09, Florida Statutes

- The Department expects to implement these laws by amending Rule 33-210.201, F.A.C., in order to clarify the Rule.

Part 3 (s. 120.74(1)(c), Florida Statutes)

Section 120.74(1)(c), Florida Statutes, states as follows:

(c) The [annual regulatory] plan must include any desired update to the prior year's regulatory plan or supplement published pursuant to subsection (7). If, in a prior year, a law was identified under this paragraph or under subparagraph (a)1. as a law requiring rulemaking to implement but a notice of proposed rule has not been published:

- 1. The agency shall identify and again list such law, noting the applicable notice of rule development by citation to the Florida Administrative Register; or*
- 2. If the agency has subsequently determined that rulemaking is not necessary to implement the law, the agency shall identify such law, reference the citation to the applicable notice of rule development in the Florida Administrative Register, and provide a concise written explanation of the reason why the law may be implemented without rulemaking.*

It would be impossible for this year's annual regulatory plans to adhere to the letter of most or all of the language of the above-quoted provision. Such provision assumes that state agencies filed annual regulatory plans of the type set forth in section 120.74, Florida Statutes (2015), in the prior year. However, state agencies did not do so, because the last annual regulatory plan that agencies would have filed was in July 2014, pursuant to the previous version of section 120.74, Florida Statutes, which did not require agencies to identify laws under subsection (a)1. or to produce a supplement pursuant to

subsection (7). Therefore, agencies can not “include any desired update to ... [a] supplement published pursuant to subsection (7),” nor can they address “law[s] identified under this paragraph or under subparagraph (a)1.” from the prior year’s annual regulatory plan. Nonetheless, in order to comply with the spirit of the intent of the above-quoted provision, which seems to be to update rulemaking from each agency’s prior year’s annual regulatory plan, the Department states as follows:

Each of the below Rules were included on the Department’s 2014-2015 Annual Regulatory Plan as ones that the Department expected to amend or repeal. Below they are divided into two categories depending on the Department’s present expectation as to whether it will complete such amendments or repeals before July 1, 2016.

The Department does not expect, at this time, to undergo rulemaking to amend the following Rules in the manner described in the Department’s 2014-2015 Annual Regulatory Plan:

- Rule 33-103.006, F.A.C.
- Rule 33-103.007, F.A.C.
- Rule 33-103.011, F.A.C.
- Rule 33-203.201, F.A.C.
- Rule 33-302.115, F.A.C.
- Rule 33-601.201, F.A.C.
- Rule 33-601.603, F.A.C.
- Rule 33-602.203, F.A.C.

As set forth in Part 2 of this Annual Regulatory Plan, the Department expects to undergo rulemaking involving the below-listed Rules in a manner similar to that set forth in the Department’s 2014-2015 Annual Regulatory Plan:

- Rule 33-302.108, F.A.C.
- Rule 33-602.210, F.A.C.
- Rule 33-602.2035, F.A.C.


Certification

We, the undersigned persons, hereby certify on behalf of the Department of Corrections (the "agency") that we have reviewed the plan and that the agency regularly reviews all of its rules, and all of the agency's Rules were most recently reviewed to determine if the Rules remain consistent with the agency's rulemaking authority and the laws implemented between April 15, 2015 and July 1, 2015.



Julie L. Jones, Secretary

9/29/15
Date



Kenneth S. Steely, General Counsel

9/29/15
Date