



**REGULATORY PLAN
ANNUAL REPORT
OCTOBER 2016**

Department of Children and Families
Office of the General Counsel

October 1, 2016

Mike Carroll
Secretary

Rick Scott
Governor

TABLE OF CONTENTS

	Page
Certification by Secretary and General Counsel	3
Executive Summary	4
Laws Creating or Modifying Department Duties or Authority	5
Other Laws Expected to Be Implemented by Rulemaking before July 2017	8
Update to Prior Year's Corrected Regulatory Plan.....	11
Rulemaking Not Initiated by July 2016 for Laws Previously Reported (in Corrected Regulatory Plan) as Requiring Rulemaking	12



State of Florida
Department of Children and Families

Rick Scott
Governor

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CERTIFICATION PER SECTION 120.74(1)(d), FLORIDA STATUTES

WE HEREBY CERTIFY that:

We have reviewed the Regulatory Plan published by the Department of Children and Families on October 1, 2016.

The Department regularly reviews all of its rules and most recently completed a review of its rules as of July 1, 2016, to determine if they remain consistent with the Department's rulemaking authority and the laws implemented.

Mike Carroll, Secretary

9/28/16

Date

Rebecca Kapusta, General Counsel

9/21/16

Date

EXECUTIVE SUMMARY

Section 120.74, Florida Statutes, requires agencies to prepare a Regulatory Plan that: 1) reports on laws enacted in the past twelve months that create or modify an agency's duties or authority; 2) reports on other laws expected to be implemented by the agency before the following July, 3) provides an update of the prior year's Regulatory Plan identifying rulemaking not initiated by July of the current reporting year; and 4) reports on rulemaking not initiated for laws previously reported as requiring rulemaking.

This Regulatory Plan identifies eight laws enacted in the past 12 months that create or modify the Department's duties or authority. Of these, none require the Department to implement the law by rulemaking, portions of two laws must otherwise be implemented by rulemaking, while the balance of those two laws and the remaining six laws can be implemented without rulemaking.

This report identifies multiple other laws expected to be implemented by rulemaking before July 2017, primarily through amendments of existing rules.

This report identifies no rules listed in the Department's Corrected 2016 Regulatory Plan (published June 2016) as requiring rulemaking for which rulemaking was not initiated (notice of rule development for new or amended rules/notice of proposed rule for repeals) by July of this year.

THE FOLLOWING LAWS ENACTED OR AMENDED DURING THE PREVIOUS 12 MONTHS CREATE OR MODIFY

THE DUTIES OR AUTHORITY OF THE DEPARTMENT

REPORTING PERIOD: October 2015 through September 2016

REPORT DATE: October 1, 2016

Citation to law creating or modifying Department duties or authority.	Must the Department Adopt Rules to Implement this Law?	Is rulemaking necessary to implement the law?	Notice of rule development posted in FAR.	Expected date to publish a notice of proposed rule	If rulemaking is not necessary to implement the law, the reasons why the law may be implemented without rulemaking
2016-62 (HB 5003) See §49.	No	No	N/A	N/A	The law affects providers under contract with the Department and can be implemented through contract management.
2016-65 (HB 5101) Amends §409.285, FS	No	No	N/A	N/A	The terms of the statutes are specific enough such that they can be implemented by their own terms and a rule would not add meaning and rulemaking is not required to reconcile existing rules to the law. The law affects Internal Office of Appeal Hearings Section operations and can be implemented by changes in internal policies and/or operating procedures. The law requires DCF and AHCA establish a transition process, which will be implemented through an inter-agency agreement.
2016-98 (HB 1135) Amends §402.302(3), FS	No	Yes	N/A	October 2016	N/A
2016-98 (HB 1135) Amends §435.07(4), FS	No	No	N/A	N/A	The terms of the statutes are specific enough such that they can be implemented by their own terms and a rule would not add meaning and rulemaking is not required to reconcile existing rules to the law.
2016-135 (HB 769) Amends §916.107, FS	No	No	N/A	N/A	The terms of the statute are specific enough such that they can be implemented by their own terms and a rule would not add meaning and rulemaking is not required to reconcile existing rules to the law.
2016-135 (HB 769) Amends §916.145 & 916.15, FS	No	No	N/A	N/A	This amendment affects Rules of Criminal Procedure 3.213, 3.212 and 3.218 which are under the jurisdiction of the Florida Supreme Court. As to the Department, the terms of the statutes are specific enough such that they can be implemented by the Department by their own terms.

**THE FOLLOWING LAWS ENACTED OR AMENDED DURING THE PREVIOUS 12 MONTHS CREATE OR MODIFY
THE DUTIES OR AUTHORITY OF THE DEPARTMENT
REPORTING PERIOD: October 2015 through September 2016
REPORT DATE: October 1, 2016**

Citation to law creating or modifying Department duties or authority.	Must the Department Adopt Rules to Implement this Law?	Is rulemaking necessary to implement the law?	If rulemaking necessary to implement the law:		If rulemaking is not necessary to implement the law, the reasons why the law may be implemented without rulemaking
			Notice of rule development posted in FAR.	Expected date to publish a notice of proposed rule	
2016-140 (HB 1083) Amends §393.065, FS (OCW)	No	No	N/A	N/A	The law affects providers under contract with the Department and can be implemented through contract management.
2016-231 (HB 977) Amends §397.451(2)(e), FS	No	No	N/A	N/A	The terms of the statutes are specific enough such that they can be implemented by their own terms and a rule would not add meaning and rulemaking is not required to reconcile existing rules to the law.
2016-238 (HB 7053) Amends §§39.201(6), 39.202(2), 402.302(15) & 402.319(3), FS	No	Yes	N/A	October 2016	N/A
2016-238 (HB 7053) Repeals §402.3025 & 402.3057, FS	No	No	N/A	N/A	The repealed statutes were previously implemented solely on the basis of the statutory language, so no rulemaking is required.
2016-238 (HB 7053) Amends §402.306, 402.311, 1002.82 & 1002.88, FS	No	No	N/A	N/A	The terms of the statutes are specific enough such that they can be implemented by their own terms and a rule would not add meaning and rulemaking is not required to reconcile existing rules to the law.

THE FOLLOWING LAWS ENACTED OR AMENDED DURING THE PREVIOUS 12 MONTHS CREATE OR MODIFY

THE DUTIES OR AUTHORITY OF THE DEPARTMENT

REPORTING PERIOD: October 2015 through September 2016

REPORT DATE: October 1, 2016

Citation to law creating or modifying Department duties or authority.	Must the Department Adopt Rules to Implement this Law?	Is rulemaking necessary to implement the law?	Notice of rule development posted in FAR.	Expected date to publish a notice of proposed rule	If rulemaking is not necessary to implement the law, the reasons why the law may be implemented without rulemaking
2016-241 (SB) Amends §§394.453, 394.455, 394.462, 394.463, 394.465, 394.4655, 394.4598, 394.467, 394.4685, 394.879, 397.311, 397.321, 397.6772, 397.6793, 397.697 & 397.6978, FS	No	Yes	N/A	November 1, 2016 N/A	
2016-241 (SB) Amends §§ 12) 394.4573, 394.4597, 394.461, 394.4615, 394.4671, 394.656, 394.761, 394.9082, 397.305, 397.675, 397.679, 397.6791, 397.681, 397.6818, 397.6819, 397.6955, 397.6957, 397.697, 397.6971, 397.6975, FS	No	No	N/A	N/A	The terms of the statutes are specific enough such that they can be implemented by their own terms and a rule would not add meaning and rulemaking is not required to reconcile existing rules to the law.

**OTHER LAWS EXPECTED TO BE IMPLEMENTED BY RULEMAKING
(NOTICE OF RULEMAKING) BEFORE JULY 2017**

Rule Number	Statute Implemented	Type	Effect of Rulemaking
65A-2.036	409.212	Amendment	Clarification of rule.
65-2.041	409.285	Amendment	Clarification of rule.
65-2.042	409.285	Amendment	Clarification of rule.
65-2.043	409.285	Amendment	Clarification of rule.
65-2.044	409.285	Amendment	Clarification of rule.
65-2.045	409.285	Amendment	Clarification of rule.
65-2.046	409.285	Amendment	Clarification of rule.
65-2.047	409.285	Amendment	Clarification of rule.
65-2.048	409.285	Amendment	Clarification of rule.
65-2.049	409.285	Amendment	Clarification of rule.
65-2.050	409.285	Amendment	Clarification of rule.
65-2.056	409.285	Amendment	Clarification of rule.
65-2.057	409.285	Amendment	Clarification of rule.
65-2.058	409.285	Amendment	Clarification of rule.
65-2.059	409.285	Amendment	Clarification of rule.
65-2.060	409.285	Amendment	Clarification of rule.
65-2.061	409.285	Amendment	Clarification of rule.
65-2.066	409.285	Amendment	Clarification of rule.
65-2.068	409.285	Amendment	Clarification of rule.
65-2.069	409.285	Amendment	Clarification of rule.
65A-1.205	409.903, 409.904, 409.919, 414.045, 414.095, 414.31, 414.41	Amendment	Clarification of rule.
65A-1.206	364.10	Amendment	Clarification of rule.
65A-1.602	414.45, 402.82	Amendment	Clarification of rule.
65A-1.603	414.45	Amendment	Clarification of rule.
65A-1.701	409.902, 409.903, 409.904, 409.906, 409.919	Amendment	Clarification of rule.
65A-1.702	409.903, 409.904, 409.919	Amendment	Clarification of rule.
65A-1.703	409.903, 409.904, 409.919	Amendment	Clarification of rule.
65A-1.704	409.902, 409.903, 409.904, 409.919	Amendment	Clarification of rule.
65A-1.705	409.903, 409.904, 409.919	Amendment	Clarification of rule.
65A-1.707	409.903, 409.904, 409.919	Amendment	Clarification of rule.
65A-1.708	409.903, 409.904, 409.919	Amendment	Clarification of rule.
65A-1.716	409.902, 409.903, 409.904, 409.906, 409.919	Amendment	Clarification of rule.
65A-1.900	414.41 and 414.39	Amendment	Simplification of rule.
65C-9.002	39.5075	Amendment	Clarification of rule.
65C-9.003	39.201, 39.301, 39.501, 39.5075	Amendment	Clarification of rule.
65C-13.022	409.175	Amendment	Clarification of rule.
65C-13.023	39.0121, 39.0138, 409.175, 435.04, 435.05	Amendment	Clarification of rule.
65C-13.024	409.175	Amendment	Clarification of rule.
65C-13.025	409.145, 409.175, 435.04	Amendment	Clarification of rule.
65C-13.026	409.175	Amendment	Clarification of rule.
65C-13.027	409.175	Amendment	Clarification of rule.
65C-13.028	409.145, 409.175	Amendment	Clarification of rule.
65C-13.029	409.175	Amendment	Simplification of rule.
65C-13.030	409.145, 409.175	Amendment	Clarification of rule.
65C-13.031	409.175	Amendment	Clarification of rule.
65C-13.032	409.175	Amendment	Clarification of rule.
65C-13.033	409.4091, 409.175	Amendment	Clarification of rule.

**OTHER LAWS EXPECTED TO BE IMPLEMENTED BY RULEMAKING
(NOTICE OF RULEMAKING) BEFORE JULY 2017**

Rule Number	Statute Implemented	Type	Effect of Rulemaking
65C-13.034	409.175	Amendment	Clarification of rule.
65C-13.035	409.175	Amendment	Clarification of rule.
65C-17.002	402.17	Amendment	Clarification of rule.
65C-17.003	402.17	Amendment	Clarification of rule.
65C-17.004	402.17	Amendment	Clarification of rule.
65C-17.005	402.17	Amendment	Clarification of rule.
65C-17.006	402.17	Amendment	Clarification of rule.
65C-20.008	402.26 - 402.319	Amendment	Clarification of rule.
65C-20.009	402.26 - 402.319	Repeal	Simplification of rule.
65C-20.010	402.26 - 402.319	Repeal	Simplification of rule.
65C-20.011	402.26 - 402.319	Repeal	Simplification of rule.
65C-20.012	402.26 - 402.319	Amendment	Clarification of rule.
65C-20.013	402.26 - 402.319	Repeal	Simplification of rule.
65C-22.001	402.305(1)	Amendment	Clarification of rule.
65C-22.0011	402.305(1)	Repeal	Simplification of rule.
65C-22.002	402.305(1)	Repeal	Simplification of rule.
65C-22.003	402.305(1)	Repeal	Simplification of rule.
65C-22.004	402.305(1)	Repeal	Simplification of rule.
65C-22.005	402.305(1)	Repeal	Simplification of rule.
65C-22.006	402.305(1)	Repeal	Simplification of rule.
65C-22.007	402.305(1)	Amendment	Clarification of rule.
65C-22.008	402.305(1)	Amendment	Clarification of rule.
65C-22.010	402.305(1)	Amendment	Clarification of rule.
65C-35.001	39.407	Amendment	Clarification of rule.
65C-35.002	39.407	Amendment	Clarification of rule.
65C-35.003	39.407	Amendment	Clarification of rule.
65C-35.004	39.407	Amendment	Clarification of rule.
65C-35.005	39.407	Amendment	Clarification of rule.
65C-35.006	39.407	Amendment	Clarification of rule.
65C-35.007	39.407	Amendment	Clarification of rule.
65C-35.008	39.407	Amendment	Clarification of rule.
65C-35.009	39.407	Amendment	Clarification of rule.
65C-35.010	39.407	Amendment	Clarification of rule.
65C-35.011	39.407	Amendment	Clarification of rule.
65C-35.012	39.407	Amendment	Clarification of rule.
65C-35.013	39.407	Amendment	Clarification of rule.
65D-30.001	397.321(5)	Amendment	Clarification of rule.
65D-30.002	397.321(5)	Amendment	Clarification of rule.
65D-30.003	397.321(5)	Amendment	Clarification of rule.
65D-30.004	397.321(5)	Amendment	Clarification of rule.
65D-30.005	397.321(5)	Amendment	Clarification of rule.
65D-30.006	397.321(5)	Amendment	Clarification of rule.
65d-30.0061	397.419	Amendment	Clarification of rule.
65D-30.007	397.321(6) & 397.311(25),(9)	Amendment	Increase efficiency.
65D-30.081	397.419	Amendment	Clarification of rule.
65D-30.009	397.419	Amendment	Clarification of rule.
65D-30.091	397.419	Amendment	Clarification of rule.
65D-30.010	397.419	Amendment	Clarification of rule.
65D-30.011	397.419	Amendment	Clarification of rule.
650-30.012	397.419	Amendment	Clarification of rule.

**OTHER LAWS EXPECTED TO BE IMPLEMENTED BY RULEMAKING
(NOTICE OF RULEMAKING) BEFORE JULY 2017**

Rule Number	Statute Implemented	Type	Effect of Rulemaking
650-30.013	397.419	Amendment	Clarification of rule.
65D-30.014	397.321(6), 397.311(25),(7)	Amendment	Clarification of rule.
65D-30.015	397.321(16)	Amendment	Clarification of rule.
65E-4.014	NA	Adoption	Increase efficiency
65E-4.016	394.879(1)	Amendment	Clarification of rule.
65E-5.1303	394.4655	Amendment	Clarification of rule.
65E-5.170	394.459(3)	Amendment	Clarification of rule.
65E-5.2801	394.4655	Amendment	Clarification of rule.
65E-5.285	394.4655	Amendment	Clarification of rule.
65E-5.290	394.457(5)	Amendment	Clarification of rule.
65E-9	394.875	Amendment	Clarification of rule.
65E-12 .103	394.879(1)	Amendment	Improve coordination with other agencies; increase efficiency
65E-12.104	394.879(1)	Amendment	Improve coordination with other agencies; increase efficiency
65E-12 .106	394.879(1)	Amendment	Improve coordination with other agencies; increase efficiency
65E-16.001	394.676	Adoption	Clarification of rule.
65E-16.002	394.676	Adoption	Clarification of rule.
65E-16.003	394.676	Adoption	Simplification of rule.
65E-16.004	394.676	Adoption	Improve coordination with other agencies

UPDATE TO PRIOR YEAR'S CORRECTED REGULATORY PLAN

None.

**RULEMAKING NOT INITIATED BY JULY 2016 FOR LAWS PREVIOUSLY REPORTED (IN
CORRECTED REGULATORY PLAN) AS REQUIRING RULEMAKING**

None.