



**REGULATORY PLAN
ANNUAL REPORT 2018**

DEPARTMENT OF CHILDREN AND FAMILIES
OFFICE OF THE GENERAL COUNSEL

Mike Carroll
Secretary

Rick Scott
Governor

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**State of Florida
Department of Children and Families**

Rick Scott
Governor

Mike Carroll
Secretary

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 for 2018.

The Department regularly reviews all of its rules and most recently completed a review of its rules as of July, 2018, to determine if they remain consistent with the Department's rulemaking authority and the laws implemented.

Mike Carroll, Secretary

7-11-18

Date

John Jackson, Acting General Counsel

7-11-18

Date

EXECUTIVE SUMMARY

Section 120.74, Florida Statutes, requires agencies to prepare a Regulatory Plan that includes: 1) a listing of each new or amended law enacted in the past twelve months that create or modify an agency's duties or authority; 2) a listing of other laws expected to be implemented by the agency before the following July; 3) 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 17 new or amended laws enacted in the 2018 Legislative Session that create or modify the Department's duties or authority. Of these, eight require the Department to implement the law by rulemaking, two must otherwise be implemented by rulemaking, and the remaining seven can be implemented without rulemaking.

This report also identifies multiple other laws expected to be implemented by rulemaking before July 2019, primarily through amendments of existing rules. In addition, several existing rules are identified for repeal.

This report identifies that there are no updates to last year's report, and that there is no rulemaking noticed on last year's report that was not initiated before July 1, 2018.

THE FOLLOWING LAWS ENACTED OR AMENDED DURING THE PREVIOUS 12 MONTHS CREATE OR MODIFY THE
DUTIES OR AUTHORITY OF THE DEPARTMENT
REPORTING PERIOD: September 2017 through July 2018
2018 Report

Citation to law creating or modifying Department duties or authority	Does any law mandate rulemaking to implement the law?	If rulemaking is discretionary, is rulemaking necessary to implement the law?	If rulemaking is necessary to implement the law:		If rulemaking is not necessary to implement the law, the reasons why the law may be implemented without rulemaking
			Date notice of rule development published in FAR, with citation	Expected date to publish notice of proposed rule in FAR	
39.0138	Yes		N/A	TBD	
39.4015	No	No			The family finding program can be implemented by contract with CBC's and outlined in operating procedure.
39.5085	No	No			New requirements are already adequately covered in 65A-1.900, F.A.C.
39.5086	No	No			The statute allows community-based care agencies to establish Kinship Navigator Programs subject to available resources. The Department is applying for a federal grant and will award the money to service providers who meet the established criteria. The Department will spend the next year evaluating existing programs.

39.6012	No	No			The statute has new documentation requirements for case workers regarding compliance/noncompliance with a case plan. No further clarification is required by rule.
39.6021	No	No			New requirements are already adequately covered in 65C-30.006, F.A.C.
39.604	No	Yes	N/A	TBD	
39.6225	Yes		N/A	TBD	
39.6251	No	Yes	N/A	TBD	
63.092	No	No			The law only restricts the Department's ability to require training pursuant to section 409.175, F.S., to parents of children adopted from the Department.
394.907	No	No			The statute deletes the mandate for the Department, in consultation with the Agency, to adopt rules to carry out the section in statute requiring quality assurance programs for community mental health centers.
402.305(10), F.S.	Yes		N/A	TBD	
402.313	Yes		N/A	TBD	
402.3131	Yes		N/A	TBD	
409.145	Yes		N/A	TBD	
409.166	Yes		N/A	TBD	
409.175	Yes		N/A	TBD	

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2019

Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
65-2.046	409.285	Amendment	Clarify
65-2.047	409.285	Amendment	Clarify and increase efficiency
65-2.061	409.285	Amendment	Clarify
65A-1.603	414.45	Amendment	The Department is amending the rule text to change the standard amount of the Standard Utility Allowance (SUA), Basic Utility Allowance (BUA) and Telephone Standard.
65A-2.036	409.212	Amendment	The rulemaking is necessary to clarify information already existing in the rule. The OSS provider rate increased.
65A-1.205	409.903, 409.904, 409.919, 414.045, 414.095, 414.31, 414.41	Amendment	This rulemaking is necessary to implement parts of the Medicaid State Plan and various provisions of federal statutes and regulations that govern the Medicaid Program. This rulemaking is necessary to clarify information contained in the federal regulations.
65A-1.701	409.902, 409.903, 409.904, 409.906, 409.919	Amendment	This rulemaking is necessary to implement parts of the Medicaid State Plan and various provisions of federal statutes and regulations that govern the Medicaid Program. This rulemaking is necessary to clarify information contained in the federal regulations.
65A-1.702	409.903, 409.904, 409.919	Amendment	This rulemaking is necessary to implement parts of the Medicaid State Plan and various provisions of federal statutes and regulations that govern the Medicaid Program. This rulemaking is necessary to clarify information contained in the federal regulations.
65A-1.703	409.903, 409.904, 409.919	Amendment	This rulemaking is necessary to implement parts of the Medicaid State Plan and various provisions of federal statutes and regulations that govern the

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2019

Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
			Medicaid Program. This rulemaking is necessary to clarify information contained in the federal regulations.
65A-1.704	409.902, 409.903, 409.904, 409.919	Amendment	This rulemaking is necessary to implement parts of the Medicaid State Plan and various provisions of federal statutes and regulations that govern the Medicaid Program. This rulemaking is necessary to clarify information contained in the federal regulations.
65A-1.705	409.903, 409.904, 409.919	Amendment	This rulemaking is necessary to implement parts of the Medicaid State Plan and various provisions of federal statutes and regulations that govern the Medicaid Program. This rulemaking is necessary to clarify information contained in the federal regulations.
65A-1.707	409.903, 409.904, 409.919	Amendment	This rulemaking is necessary to implement parts of the Medicaid State Plan and various provisions of federal statutes and regulations that govern the Medicaid Program. This rulemaking is necessary to clarify information contained in the federal regulations.
65A-1.708	409.903, 409.904, 409.919	Amendment	This rulemaking is necessary to implement parts of the Medicaid State Plan and various provisions of federal statutes and regulations that govern the Medicaid Program. This rulemaking is necessary to clarify information contained in the federal regulations.
65A-1.710	409.904	Amendment	This rulemaking is necessary to implement a change. This change was mandated by the Florida Legislature. Language will be updated to remove all references to Traumatic Brain Injury and Spinal

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Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
			Cord Injury as the waiver has been combined with another waiver group.
65A-1.712	409.903, 409.904, 409.906, 409.9102, 409.919,	Amendment	This rulemaking is necessary to implement a change mandated by the Florida Legislature. This change eliminated the Cystic Fibrosis and Traumatic Brain Injury and Spinal Cord Injury Home and Community Based Care Waivers.
65A-1.7141	409.902, 409.903, 409.904, 409.906, 409.919, 409.961,	Amendment	This rulemaking is necessary to implement a mandated legislative change.
65A-1.716	409.902, 409.903, 409.904, 409.906, 409.919	Amendment	This rulemaking is necessary to implement parts of the Medicaid State Plan and various provisions of federal statutes and regulations that govern the Medicaid Program. This rulemaking is necessary to clarify information contained in the federal regulations.
65A-1.603	414.45	Amendment	The Department is amending the rule text to change the standard amount of the Standard Utility Allowance (SUA), Basic Utility Allowance (BUA) and Telephone Standard.
65A-2.036	409.212	Amendment	The rulemaking is necessary to clarify information already existing in the rule. The OSS provider rate increased.
65C-20.008	402.302, 402.305, 402.309, 402.313, 402.3131	Amendment	Clarify current language and align with new statutory requirements.
65C-20.012	402.305, 402.310, 402.313, 402.3131	Amendment	Clarify current language and align with new statutory requirements.
65C-20.014	402.281	Amendment	Clarify current language and align with new statutory requirements.
65C-22.001	402.305, 402.3054, 402.3055, 402.308, 402.309, 402.310402.319	Amendment	Clarify current language and align with new statutory requirements.

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2019

Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
65C-22.008	402.305	Amendment	Clarify current language and align with new statutory requirements.
65C-22.009	402.281	Amendment	Clarify current language and align with new statutory requirements.
65C-22.010	402.305, 402.310	Amendment	Clarify current language and align with new statutory requirements.
65C-28.018	39.604	Amendment	Clarify current language and align with new statutory requirements.
65C-41.001	39.6251	Amendment	Clarify current language and align with new statutory requirements.
65C-41.002	39.6251	Amendment	Clarify current language and align with new statutory requirements.
65C-41.003	39.6251	Amendment	Clarify current language and align with new statutory requirements.
65C-41.004	39.6251	Amendment	Clarify current language and align with new statutory requirements.
65C-41.005	39.6251	Amendment	Clarify current language and align with new statutory requirements.
65C-41.006	39.6251	Amendment	Clarify current language and align with new statutory requirements.
65D-30.014	397.311(26), 397.321, 397.410, 397.427	Amendment	Clarify and increase efficiency
65E-4.015	394.457, 394.4573, 394.4574, 394.67	Adoption	Increase efficiency, and improve coordination with other agencies
65E-5.100	394.455, 394.457, 394.4655	Amendment	Clarify
65E-5.110	394, 394.457(5)(a), 394.4655	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.120	394.457(5)	Amendment	Increase efficiency, and improve coordination with other agencies
65E-5.130	394.4573(2)	Repeal	Delete obsolete, unnecessary, or redundant rules

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2019

Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
65E-5.1301	394.455(29), 394.461(2)	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.1302	394.4573(2)	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.1303	394.4573, 394.459(11), 394.460	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.140	394.459(1), (12), 394.4655	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.150	394.459(1)	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.160	394.459(2), 94.4655(7), 394.467(7)	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.1601	394.459(2), (11)	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.1602	394.459(2), (11)	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.170	394, Part I, 394.455(9), (14), (15), 394.459(3), 394.4625(1)(f), 394.4655, 458.325, 765.401	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.1703	394.459(3), 394.4598, 394.463(2)(f), 494.46715	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.180	394.457, 394.459(2)(d), (4), (4)(b)3., 394.879, 401.445	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.1802	394.459(4)	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.190	394.459(5)	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.200	394.459(6)	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.210	394.459(7)	Repeal	Delete obsolete, unnecessary, or redundant rules

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2019

Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
65E-5.220	394.459(8)	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.230	394.4598, 394.4598(4)	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.2301	394.4598, 765, Parts I, IV, 765.204	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.250	394.4615, 394.4615(3)(b)	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.260	394.462, 394.463	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.2601	394.462(3)	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.270	394.4599, 394.4625, 400, 400.102(1)	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.280	394.463	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.2801	394, 394.463, 394.4655, 395	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.285	394.455, 394.455(18), 394.4599, 394.463, 394.4655, 394.4655(2)(a), 397.675	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.290	394.463(2)(e), 394.467, 397.675	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.300	394.463(2)(e), 394.467(7)	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.310	394.4599, 394.4685	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.320	394.463(3), 394.469	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.330	394.457(5)(b), (6), 394.459(4), 415	Repeal	Delete obsolete, unnecessary, or redundant rules

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2019			
Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
65E-5.350	394, Part I, IV, 394.455(26), 394.461, 394.461(4), 394.462(3), 395, 415, 458, 817	Amendment	Clarify
65E-5.351	394.461(5)	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.352	394.461(5)	Amendment	Clarify
65E-5.353	394, 394.455(26), 394.461, 395, 415, 458.331, 817.505	Amendment	Clarify
65E-5.354	394.457, 394.461(5)	Adoption	Clarify
65E-5.355	394.457(2), 394.459(5)	Adoption	Clarify
65E-5.356	394.461(5)	Adoption	Improve coordination with other agencies
65E-5.357	394.461(5)	Adoption	Improve coordination with other agencies
65E-5.358	394.462, 394.463	Adoption	Improve coordination with other agencies
65E-5.400	316, 394, Part I, 394.455, 394.4615, 394.462, 394.4625, 394.463, 395	Amendment	Clarify
65E-5.601	394.457(2), 394.459(5)	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.700	394.4599, 394.4625, 400, 400.102(1)	Adoption	Clarify
65E-5.710	394.463	Adoption	Clarify
65E-5.720	394, 394.463, 394.4655, 395	Adoption	Clarify
65E-5.730	394.459, 394.461, 394.467	Adoption	Simplify

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2019

Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
65E-5.740	394.4573(2)	Adoption	Improve coordination with other agencies
65E-5.750	394.455(29), 394.461(2)	Adoption	Improve coordination with other agencies
65E-5.760	394.4573(2)	Adoption	Improve coordination with other agencies
65E-5.770	394, Part I, 394.455(9), (14), (15), 394.459(2), (3), (11), 394.4625(1)(f), 394.4655, 458.325, 765.401	Adoption	Clarify
65E-5.780	394.459(3), 394.4598, 394.463(2)(f), and 494.46715	Adoption	Clarify
65E-5.790	394.4598, 765, Parts I, IV, 765.204	Adoption	Clarify
65E-5.7901	394.4598, 394.4598(4)	Adoption	Clarify
65E-5.800	394.457, 394.459, 394.879, 401.445	Adoption	Improve coordination with other agencies
65E-5.810	394.4599, 394.4685	Adoption	Clarify
65E-5.820	394.455, 394.455(18), 394.4599, 394.463, 394.4655, 394.4655(2)(a), 397.675	Adoption	Improve coordination with other agencies
65E-5.830	394.463(2)(e), 394.467, 397.675	Adoption	Clarify
65E-5.8301	394.463(2)(e), 394.467(7)	Adoption	Clarify

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2019

Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
65E-5.840	394.4573, 394.459(11), 394.460	Adoption	Improve coordination with other agencies
65E-5.8401	394.463(3), 394.469	Adoption	Improve coordination with other agencies
65E-16.001	394.676	Adoption	Clarify
65E-16.002	394.676	Adoption	Improve coordination with other agencies
65E-16.003	394.676	Adoption	Simplify
65E-16.004	394.676	Adoption	Clarify

UPDATE TO 2017 REGULATORY PLAN

None

RULEMAKING NOT INITIATED BY JULY 1, 2018 FOR LAWS PREVIOUSLY REPORTED ON
2017 REGULATORY PLAN

None