



**REGULATORY PLAN
ANNUAL REPORT 2019**

DEPARTMENT OF CHILDREN AND FAMILIES
OFFICE OF THE GENERAL COUNSEL

Chad Poppell
Secretary

Ron DeSantis
Governor

TABLE OF CONTENTS

Certification by Secretary and General Counsel.....	3
Executive Summary	4
Laws Creating or Modifying Department Duties or Authority	5
Listing of Upcoming Rulemaking Expected to Commence Before July 2019.....	6
Update to 2018 Regulatory Plan	15
Rulemaking Not Initiated by July 1, 2019 for Laws Previously Reported on 2018 Regulatory Plan	15



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

Ron DeSantis
Governor

Chad Poppell
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 2019.


The Department regularly reviews all of its rules and most recently completed a review of its rules as of September 2019, to determine if they remain consistent with the Department's rulemaking authority and the laws implemented.



Chad Poppell, Secretary

9/13/19

Date



Javier Enriquez, General Counsel

9/3/19

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 eight new or amended laws enacted in the 2019 Legislative Session that create or modify the Department's duties or authority. Of these, two require the Department to implement the law by rulemaking and six must otherwise be implemented by rulemaking.

This report also identifies multiple other laws expected to be implemented by rulemaking before July 2020, primarily through amendments of existing rules. In addition, several existing rules are identified for repeal.

This report includes an update to last year's report, and the identification of one required rulemaking noticed on last year's report that was not initiated before July 1, 2019.

**THE FOLLOWING LAWS ENACTED OR AMENDED DURING THE PREVIOUS 12 MONTHS CREATE OR MODIFY THE
DUTIES OR AUTHORITY OF THE DEPARTMENT
REPORTING PERIOD: August 2018 through September 2019
2019 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	
394.4572	No	Yes	Expected 10/30/19	3/3/20	
397.4073	No	Yes	Expected 10/30/19	3/3/20	
397.417	No	Yes	Expected 10/30/19	3/3/20	
394.463	No	Yes	Expected 10/30/19	3/3/20	
39.6011	No	Yes	Expected 10/30/19	3/3/20	
39.407	Yes	n/a	Expected 10/30/19	3/3/20	
39.0136	No	Yes	Expected 10/30/19	3/3/20	
409.904	Yes	n/a	Expected 10/30/19	3/3/20	

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2020			
Rule Number	Statute Implemented	Adoption/Amendment/Repeal	Effect of Rulemaking
65-2.048	409.285	Amendment	Clarify existing language
65A-1.603	414.31	Amendment	To update the standard and basic utility allowances, as well as the telephone standard and homeless shelter deduction
65A-1.702	409.903, 409.904, 409.919	Amendment	To continue the policy begun in Ch. 2018-10, L.O.F., (FY 2018-19 Implementing Bill) by providing payments for Medicaid eligible services for eligible non-pregnant adults retroactive to the first day of the month in which an application for Medicaid is submitted.
65A-4.205	414.065	Amendment	To update terms, forms, and procedure to conform to current practice
65A-4.206	414.065, 414.105	Amendment	To update terms, forms, and procedure to conform to current practice
65A-4.212	445.017	Amendment	To update terms, forms, and procedure to conform to current practice
65C-14.001	409.175(5)	Amendment/Repeal	Amendment to rule is intended to outline and provide clarity to requirements for child-caring agencies to align with FFPSA. We will also sunset rule chapter 65C-14 and create a new chapter for child-caring agencies.
65C-14.003	409.175(6)	Amendment/Repeal	Amendment to rule is intended to outline and provide clarity to requirements for child-caring agencies to align with FFPSA. We will also sunset rule chapter 65C-14 and create a new chapter for child-caring agencies.
65C-14.006	409.175(5)	Amendment/Repeal	Amendment to rule is intended to outline and provide clarity to requirements for child-caring agencies to align with FFPSA. We will also sunset rule chapter 65C-14 and create a new chapter for child-caring agencies.

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2020

Rule Number	Statute Implemented	Adoption/Amendment/Repeal	Effect of Rulemaking
65C-14.007	409.175(5)	Amendment/Repeal	Amendment to rule is intended to outline and provide clarity to requirements for child-caring agencies to align with FFPSA. We will also sunset rule chapter 65C-14 and create a new chapter for child-caring agencies.
65C-14.010	409.175(5)	Amendment/Repeal	Amendment to rule is intended to outline and provide clarity to requirements for child-caring agencies to align with FFPSA. We will also sunset rule chapter 65C-14 and create a new chapter for child-caring agencies.
65C-14.014	409.175(5)	Amendment/Repeal	Amendment to rule is intended to outline and provide clarity to requirements for child-caring agencies to align with FFPSA. We will also sunset rule chapter 65C-14 and create a new chapter for child-caring agencies.
65C-14.017	409.175(5)	Amendment/Repeal	Amendment to rule is intended to outline and provide clarity to requirements for child-caring agencies to align with FFPSA. We will also sunset rule chapter 65C-14 and create a new chapter for child-caring agencies.
65C-14.018	409.175(5)	Amendment/Repeal	Amendment to rule is intended to outline and provide clarity to requirements for child-caring agencies to align with FFPSA. We will also sunset rule chapter 65C-14 and create a new chapter for child-caring agencies.
65C-14.021	409.175(5)	Amendment/Repeal	Amendment to rule is intended to outline and provide clarity to requirements for child-caring agencies to align with FFPSA. We will also sunset rule chapter 65C-14 and create a new chapter for child-caring agencies.
65C-14.022	409.175(5)	Amendment/Repeal	Amendment to rule is intended to outline and provide clarity to requirements for child-caring

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			agencies to align with FFPSA. We will also sunset rule chapter 65C-14 and create a new chapter for child-caring agencies.
65C-14.023	409.175(5), 435.01	Amendment/Repeal	Amendment to rule is intended to outline and provide clarity to requirements for child-caring agencies to align with FFPSA. We will also sunset rule chapter 65C-14 and create a new chapter for child-caring agencies.
65C-14.040	409.175(5)	Amendment/Repeal	Amendment to rule is intended to outline and provide clarity to requirements for child-caring agencies to align with FFPSA. We will also sunset rule chapter 65C-14 and create a new chapter for child-caring agencies.
65C-14.048	409.175(5)	Amendment/Repeal	Amendment to rule is intended to outline and provide clarity to requirements for child-caring agencies to align with FFPSA. We will also sunset rule chapter 65C-14 and create a new chapter for child-caring agencies.
65C-14.116	409.175(5)	Amendment/Repeal	Amendment to rule is intended to outline and provide clarity to requirements for child-caring agencies to align with FFPSA. We will also sunset rule chapter 65C-14 and create a new chapter for child-caring agencies.
65C-14.117	409.175	Amendment/Repeal	Amendment to rule is intended to outline and provide clarity to requirements for child-caring agencies to align with FFPSA. We will also sunset rule chapter 65C-14 and create a new chapter for child-caring agencies.
65C-14.118	409.175, 409.441	Amendment/Repeal	Amendment to rule is intended to outline and provide clarity to requirements for child-caring agencies to align with FFPSA. We will also sunset

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			rule chapter 65C-14 and create a new chapter for child-caring agencies.
65C-15.016	409.175	Amendment	Amendment to rule is intended to provide clarity with language surrounding the licensing requirements of child-placing agencies.
65C-15.034	409.175	Amendment	Amendment to rule is intended to provide clarity with language surrounding the licensing requirements of child-placing agencies.
65C-25.001	402.305(17)	Amendment	Clarify existing language
65C-25.002	402.305(17)	Amendment	Clarify existing language
65C-25.003	402.305(17)	Amendment	Clarify existing language and reference standards in the child care facility handbook which is incorporated by reference
65C-25.004	402.305(17)	Repeal	Simplify standards and include the child care facility handbook which is incorporated by reference
65C-25.005	402.305(17)	Repeal	Simplify standards and include the child care facility handbook which is incorporated by reference
65C-25.006	402.305(17)	Repeal	Simplify standards and include the child care facility handbook which is incorporated by reference
65C-25.007	402.305(17)	Repeal	Simplify standards and include the child care facility handbook which is incorporated by reference
65C-25.008	402.305(17)	Repeal	Simplify standards and include the child care facility handbook which is incorporated by reference
65C-25.009	402.305(17)	Adoption	Section was added to include enforcement of licensing standards
65C-28.013	39.0137	Amendment	To align FAC with Federal notification requirements

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2020			
Rule Number	Statute Implemented	Adoption/Amendment/Repeal	Effect of Rulemaking
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	Clarify
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
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), and 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

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Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
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
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

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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
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),	Adoption	Clarify

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2020			
Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
	394.4625(1)(f), 394.4655, 458.325, and 765.401		
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, and 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), and 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), and 394.467(7)	Adoption	Clarify
65E-5.840	394.4573, 394.459(11), and 394.460	Adoption	Improve coordination with other agencies
65E-5.8401	394.463(3), and 394.469	Adoption	Improve coordination with other agencies
65E-9.001	394.875	Amendment	Clarify
65E-9.002	394.875	Amendment	Clarify
65E-9.003	394.875	Amendment	Simplify
65E-9.004	394.875	Amendment	Clarify
65E-9.005	394.875	Amendment	Clarify; Increase efficiency
65E-9.006	394.875	Amendment	Clarify; Improve coordination with other agencies

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2020			
Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
65E-9.007	394.875	Amendment	Clarify
65E-9.008	394.875	Amendment	Clarify
65E-9.009	394.875	Amendment	Clarify; Improve coordination with other agencies
65E-9.010	394.875	Amendment	Clarify
65E-9.011	394.875	Amendment	Clarify; Improve coordination with other agencies
65E-9.012	394.875	Amendment	Clarify
65E-9.013	394.875	Amendment	Clarify
65E-9.014	394.875	Amendment	Clarify
65E-14.021	394.74(2)(b), (3)(d), (e), (4), 394.77, 394.78(1), (5), 394.9082, 397.321(10), 402.73(1)	Amendment	Simplify; Improve coordination with other agencies

UPDATE TO 2018 REGULATORY PLAN

Rulemaking was not initiated prior to July 1, 2019 for the following rules:

65A-1.710, and .712, F.A.C.

65E-4.015, F.A.C.

Rule Chapter 65E-5, F.A.C.

RULEMAKING NOT INITIATED BY JULY 1, 2019 FOR LAWS PREVIOUSLY REPORTED AS REQUIRED ON THE 2018 REGULATORY PLAN

Section 409.175, F.S. will be implemented in a new Rule Chapter, 65C-45.

Rule development for Rules 65C-13.022-.028 and .030-.035, F.A.C., was published in the Florida Administrative Register (FAR) Volume 44, No. 209, on October 25, 2018. The rule development indicated that the Department “intends to restructure the rules currently in Chapter 65C-13, F.A.C., to include levels of care and associated licensure requirements for each level. In addition, the Department intends to create a new rule chapter for the rules and repeal Chapter 65C-13, F.A.C.”

A notice of rule development for Rule Chapter 65C-45 was published in the Florida Administrative Register (FAR) Volume 45, No. 152, on August 6, 2019.