



FLORIDA DEPARTMENT OF CORRECTIONS

2020-2021 REGULATORY PLAN

Contents

- Part 1 – Laws Creating or Modifying the Duties or Authority of the Agency
- Part 2 – Expected Implementation of Other Laws During Fiscal Year 2020-2021
- Part 3 – Updates to the Agency’s 2019-2020 Regulatory Plan
 - Updates to Part 1 of the 2019-2020 Plan
 - Updates to Part 2 of the 2019-2020 Plan
 - Updates to Part 3 of the 2019-2020 Plan
- Part 4 – Certification

PART 1 – Laws Creating or Modifying the Duties or Authority of the Agency

This part fulfills the requirements of section 120.74(1)(a), Florida Statutes, which requires an agency to provide a listing of each law created or amended during the previous twelve months which “creates or modifies the duties or authority of the agency.” Where two or more such laws were amended or created by a common piece of legislation, those laws are listed together.

1. Sections 944.516, 944.215, and 946.002, Florida Statutes

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

2. Section 944.73, Florida Statutes

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

3. Sections 111.09, 112.531, 112.532 and 112.533, Florida Statutes

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

4. Section 944.241, Florida Statutes

Rulemaking does appear necessary to implement this law by amending Rule 33-602.211. The Department has not published a Notice of Rule Development. The Department expects to publish a Notice of Proposed Rule not later than April 1, 2021.

5. Sections 916.1085, 944.47, Florida Statutes

Rulemaking does appear necessary to implement these laws by amending Rule 33-602.203. The Department has not published a Notice of Rule Development. The Department expects to publish a Notice of Proposed Rule not later than April 1, 2021.

PART 2 – Expected Implementation of Other Laws During Fiscal Year 2020-2021

This part fulfills the requirements of section 120.74(1)(b), Florida Statutes, which requires an agency to list each law that the agency expects to implement by rulemaking before July 1 of the following year, except in instances requiring emergency rulemaking. The list below includes laws grouped together where those laws would be implemented by a common rulemaking initiative, such as the amendment of a single rule, the amendment of multiple rules within a single chapter of the Florida Administrative Code, or the amendment of rules that appear in different chapters

of the Code from one another but are nonetheless related. Also, some laws listed below are listed more than once because they would be implemented by more than one Department of Corrections rule.

1. Sections 922.11, 944.09, and 944.23, Florida Statutes

The Department expects to implement these laws by amending Rule 33-104.101 of the *Florida Administrative Code* to clarify the rule and increase efficiency.

2. Sections 922.11, and 944.23, Florida Statutes

The Department expects to implement these laws by amending Rule 33-104.201 of the *Florida Administrative Code* to clarify the rule and increase efficiency.

3. Sections 922.11, and 944.23, Florida Statutes

The Department expects to implement these laws by repealing Rule 33-104.202 of the *Florida Administrative Code* due to redundancies.

4. Sections 922.11, and 944.23, Florida Statutes

The Department expects to implement these laws by amending Rule 33-104.203 of the *Florida Administrative Code* to clarify the rule and increase efficiency.

5. Sections 922.11, and 944.23, Florida Statutes

The Department expects to implement these laws by repealing Rule 33-104.204 of the *Florida Administrative Code* due to redundancies.

6. Sections 20.315, 944.09, 945.215, and 946.022, Florida Statutes

The Department expects to implement these laws by amending Rule 33-203.101 of the *Florida Administrative Code* to clarify the rule.

7. Sections 20.314, and 944.09, Florida Statutes

The Department expects to implement these laws by amending Rule 33-210.101 of the *Florida Administrative Code* to clarify the rule and increase efficiency.

8. Sections 944.09, 945.42, and 945.49, Florida Statutes

The Department expects to implement these laws by amending Rule 33-404.103 of the *Florida Administrative Code* to clarify the rule.

9. Sections 944.115, 944.14, 944.275, 944.279, 944.28, and 944.281, Florida Statutes

The Department expects to implement these laws by amending Rule 33-601.314 of the *Florida Administrative Code* to clarify the rule.

10. Sections 944.611, and 944.613, Florida Statutes

The Department expects to implement these laws by amending Rule 33-601.502 of the *Florida Administrative Code* to clarify the rule.

11. Sections 944.14, 944.1905, 944.23, and 944.8031, Florida Statutes

The Department expects to implement these laws by amending Rule 33-601.735 of the *Florida Administrative Code* to clarify the rule.

12. Section 944.09, Florida Statutes

The Department expects to implement this law by amending Rule 33-602.205 of the *Florida Administrative Code* to clarify the rule.

PART 3 – Updates to the Agency’s 2019-2020 Regulatory Plan

This part fulfills section 120.74 (1)(c), Florida Statutes, which states that an agency’s annual regulatory plan must include any desired update to the prior year’s regulatory plan or supplements to that plan. No supplements to the agency’s 2019-2020 Regulatory Plan were published. Updates to the 2019-2020 Department of Corrections Regulatory Plan are discussed below.

Updates* to Part 1 of the 2019-2020 Plan

**Paragraphs 1-6, 8-9 of Part 1 of the 2019-2020 Plan require no updates.*

- 7. Sections 397.403, 455.213, 489.553, 790.052, 800.09, 900.05, 944.40, 944.47, 944.704, 944.705, 944.801, 948.001, 948.013, 948.04, 948.05, 948.06, and 948.081, Florida Statutes**
Rule 33-601.504 of the *Florida Administrative Code* was adopted, effective August 19, 2020, to implement Section 944.705, Florida Statutes.

Rulemaking does not appear to be necessary to implement Sections 397.403, 455.213, 489.553, 790.052, 800.09, 900.05, 944.40, 944.47, 944.704, 944.801, 948.001, 948.013, 948.04, 948.05, 948.06, and 948.081, Florida Statutes. The laws appear to be sufficiently clear and detailed such that any rules implementing them would be unnecessary and, perhaps duplicative of the laws.

10. Section 119.071, Florida Statutes

Rule 33-102.101 of the *Florida Administrative Code* was adopted, effective May 24, 2020.

Updates* to Part 2 of the 2019-2020 Plan

**Paragraphs 1-3, 10-13, 16, and 18 of Part 2 of the 2019-2020 Plan require no updates.*

4. Sections 112.3135, and 945.0311, Florida Statutes

Rule 33-208.004 of the *Florida Administrative Code* was adopted, effective April 23, 2020.

5. Sections 944.05, 944.275, and 944.28, Florida Statutes

Rule 33-601.105 of the *Florida Administrative Code* is currently in rule development. The Department anticipates publication and adoption before July 1, 2021.

6. Sections 944.09, 944.17, and 945.12, Florida Statutes

Rule 33-601.215 of the *Florida Administrative Code* was adopted, effective April 23, 2020.

7. Sections 20.315, 944.09, 945.04, and 945.091, Florida Statutes

Rule 33-601.308 of the *Florida Administrative Code* is being amended to clarify the rule and the Department published a Notice of Rule Development on August 25, 2020. The Department anticipates publication and adoption before July 1, 2021.

8. Sections 20.315, 944.09, 944.115, 944.14, 944.279, and 944.28, Florida Statutes

Rule 33-601.314 of the *Florida Administrative Code* is being amended to clarify the rule and the Department published a Notice of Rule Development on August 25, 2020. The Department anticipates publication and adoption before July 1, 2021.

9. Sections 945.091 and 946.002, Florida Statutes

Rule 33-601.602 of the *Florida Administrative Code* was adopted, effective June 9, 2020.

14. Sections 20.315, 944.09, 944.23, and 944.8031, Florida Statutes

Rule 33-601.735 of the *Florida Administrative Code* is being amended to clarify the rule and the Department published a Notice of Rule Development on August 25, 2020. The Department anticipates publication and adoption before July 1, 2021.

15. Section 944.09, Florida Statutes

Rules 33-601.800, 33-601.820, and 33-601.830 of the *Florida Administrative Code* are being amended to clarify and improve efficiency of the rules and the Department published a Notice of Rule Development on August 25, 2020. The Department anticipates publication and adoption before July 1, 2021.

17. Sections 944.09, 944.472, and 944.473, Florida Statutes

Rule 33-602.204 of the *Florida Administrative Code* was adopted, effective June 9, 2020.

19. Sections 20.315, 944.09, and 945.04, Florida Statutes

Rule 33-602.220 of the *Florida Administrative Code* was amended to clarify the rule and the Department published a Notice of Rule Development on August 25, 2020. The Department anticipates publication and adoption before July 1, 2021.

20. Sections 20.315, 944.09, 944.34, and 945.04, Florida Statutes

Rule 33-602.221 of the *Florida Administrative Code* was amended to clarify the rule and the Department published a Notice of Rule Development on August 25, 2020. The Department anticipates publication and adoption before July 1, 2021.

21. Sections 20.315, and 944.09, Florida Statutes

Rule 33-602.222 of the *Florida Administrative Code* was amended to clarify the rule and the Department published a Notice of Rule Development on August 25, 2020. The Department anticipates publication and adoption before July 1, 2021.

22. Sections 20.315, 944.09, and 944.8031, Florida Statutes

Rule 33-602.901 of the *Florida Administrative Code* is currently in rule development. The Department published a Notice of Rule Development on August 25, 2020. The Department anticipates publication and adoption before July 1, 2021.

Updates* to Part 3 of the 2019-2020 Plan:

**Part 3 of the 2019-2020 Plan provides updates to the 2018-2019 Plan. Part 1 and Part 3 of the 2018-2019 Plan require no updates.*

Updates to Part 2 of the 2018-2019 Plan

**Paragraphs 1-5, 7-8, 11-16, 20-21, 23 of Part 2 of the 2018-2019 Plan require no updates.*

6. Section 944.11, Florida Statutes

Rule 33-501.401 of the *Florida Administrative Code* was adopted, effective June 9, 2020.

9. Sections 944.09, 933.17, and 945.12, Florida Statutes

Rule 33-601.215 of the *Florida Administrative Code* was adopted, effective April 23, 2020.

10. Sections 20.315, 944.09, 944.34, and 945.04, Florida Statutes

Rule 33-601.250 of the *Florida Administrative Code* was adopted, effective April 23, 2020.

17. Section 944.09, Florida Statutes

Rule 33-601.820 of the *Florida Administrative Code* is being amended to clarify and improve efficiency of the rule and the Department published a Notice of Rule Development on August 25, 2020. The Department anticipates publication and adoption before July 1, 2021.

18. Section 944.09, Florida Statutes

Rule 33-601.830 of the *Florida Administrative Code* is being amended to improve efficiency and to clarify the rule and the Department published a Notice of Rule

Development on August 25, 2020. The Department anticipates publication and adoption before July 1, 2021.

19. Section 944.09, Florida Statutes

Rule 33-602.201 of the *Florida Administrative Code* was adopted, effective June 9, 2020.

22. Sections 776.07, 943.1717, 944.09, 944.35, 945.025, 945.04, and 945.05, Florida Statutes

Rule 33-602.210 of the *Florida Administrative Code* was amended to simplify, clarify, and increase efficiency of the rule and the Department published a Notice of Proposed Rule on July 6, 2020. A public hearing was conducted on August 19, 2020. The Department anticipates adoption before December 31, 2020.

24. Sections 944.14, 944.151, and 944.23, Florida Statutes

Rule 33-602.900 of the *Florida Administrative Code* is currently in rule development. The Department published a Notice of Rule Development on August 25, 2020. The Department anticipates publication and adoption before July 1, 2021.

PART 4- Certification

We, the undersigned persons, hereby certify on behalf of the Department of Corrections (the “agency”) that we have reviewed this Regulatory Plan, that the agency regularly reviews all of its rules, and that all of the agency’s rules were most recently reviewed between April 10 and August 10, 2020, to determine if the rules remain consistent with the agency’s rulemaking authority and the laws implemented.



Mark S. Inch, Secretary

9/29/2020
Date



Lance Neff, General Counsel

28 Sept 2020
Date