



FLORIDA DEPARTMENT OF CORRECTIONS

2021-2022 REGULATORY PLAN

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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 16.10, 16.101, 163.503, 16.504, 163.504, 163.5055, 163.506, 163.508, 163.511, 163.517, 163.519, 163.521, 163.5215, 163.522, 163.523, 163.514, 376.84, 402.181, 501.160, 775.083, 812.171, 812.173, 812.174, 812.175, 812.176, Florida Statutes**
Rulemaking does appear necessary to implement these laws by creating Rule 33-203.801. The Department published a Notice of Rule Development on September 8, 2021. The Department expects to publish a Notice of Proposed Rule no later than April 1, 2022.
- 2. Sections 20.316, 960.001, 985.101, 985.435, 985.439, 985.565, 985.686, 985.6865, and 1003.52, 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.
- 3. Sections 39.01305, 90.5037, 464.013, 775.21, 787.06, 943.0435, 943.0583, 944.606, and 948.30, 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. Sections 43.16, 215.971, 216.1366, 287.042, 287.056, 287.057, 287.0571, 287.058, 287.1351, 287.136, 295.187, 294.47865, 402.7305, 408.045, 570.07, and 627.351, 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.
- 5. Sections 61.13, 68.07, 98.0751, 320.02, 322.141, 322.19, 394.9125, 397.487, 435.07, 775.0862, 775.13, 775.21, 775.24, 775.25, 775.261, 900.05, 903.046, 903.133, 907.043, 938.10, 943.0435, 943.0436, 943.0584, 944.607, 948.06, 948.063, 948.31, 985.04, 985.4815, and 1012.2467, 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.

6. Sections 330.41, and 934.50, 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.

7. Sections 445.06, 446.54, 1007.23, 1007.271, 1008.30, 1009.25, and 1009.52, 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.

8. Sections 943.13, 943.131, 943.133, 943.134, 943.1395, 943.1735, 943.1740, 943.19, 943.6872, and 985.031, Florida Statutes¹

Rulemaking does appear necessary to implement these laws by amending Rule 33-602.210 of the Florida Administrative Code. The Department has not published a Notice of Rule Development. The Department expects to publish a Notice of Proposed Rule no later than April 1, 2022.

9. Section 948.06, 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.

PART 2 – Expected Implementation of Other Laws During Fiscal Year 2021-2022

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. Section 944.09, Florida Statutes

The Department expects to implement this law by amending Rule 33-210.201 of the Florida Administrative Code to clarify the rule and increase efficiency by amending forms referenced in the rule.

¹ This rulemaking initiative for 33-602.210, F.A.C., is separate from the initiative that was completed in Part 3 of this regulatory report.

- 2. Sections 944.09, 944.11, and 944.292, Florida Statutes**
The Department expects to implement these laws by amending Rule 33-501.301 of the Florida Administrative Code to clarify the rule.
- 3. Sections 20.315, and 944.09, Florida Statutes**
The Department expects to implement these laws by amending Rule 33-503.001 and Rule 33-503.002 of the Florida Administrative Code to clarify the rules.
- 4. Sections 944.09, and 944.275, Florida Statutes**
The Department expects to implement these laws by amending Rule 33-601.604 of the Florida Administrative Code to clarify the rule.
- 5. Sections 20.315, 944.09, and 944.23, Florida Statutes**
The Department expects to implement these laws by amending Rule 33-601.713 of the Florida Administrative Code to clarify the rule.
- 6. Sections 20.315, 944.09, and 944.23, Florida Statutes**
The Department expects to implement these laws by amending Rule 33-601.715 of the Florida Administrative Code to clarify the rule and increase efficiency.
- 7. Sections 20.315, 944.09, and 944.23, Florida Statutes**
The Department expects to implement these laws by amending Rule 33-601.716 of the Florida Administrative Code to clarify the rule and increase efficiency.
- 8. Sections 20.315, 944.09, and 944.23, Florida Statutes**
The Department expects to implement these laws by amending Rule 33-601.717 of the Florida Administrative Code to clarify the rule and increase efficiency.
- 9. Sections 20.315, 944.09, and 944.23, Florida Statutes**
The Department expects to implement these laws by amending Rule 33-601.722 of the Florida Administrative Code to clarify the rule and increase efficiency.
- 10. Sections 20.315, 944.09, 944.23, and 944.8031, Florida Statutes**
The Department expects to implement these laws by amending Rule 33-601.723 of the Florida Administrative Code to clarify the rule and increase efficiency.
- 11. Sections 20.315, 944.09, 944.23, 944.47, and 944.8031, Florida Statutes**
The Department expects to implement these laws by amending Rule 33-601.726 of the Florida Administrative Code to clarify the rule and increase efficiency.
- 12. Sections 944.09, 944.23, 944.47, and 944.8031, Florida Statutes**
The Department expects to implement these laws by amending Rule 33-601.727 of the Florida Administrative Code to clarify the rule and increase efficiency.

13. Sections 944.09, 944.115, 944.23, 944.47, and 944.8031, Florida Statutes

The Department expects to implement these laws by amending Rule 33-601.731 of the Florida Administrative Code to clarify the rule and increase efficiency.

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

The Department expects to implement these laws by amending Rule 33-601.732 of the Florida Administrative Code to clarify the rule and increase efficiency.

15. Section 944.09, Florida Statutes

The Department expects to implement this law by amending Rule 33-602.201 of the Florida Administrative Code to clarify the rule and increase efficiency.

16. 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 and increase efficiency.

PART 3 – Updates to the Agency’s 2020-2021 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 2020-2021 Regulatory Plan were published. Updates to the 2020-2021 Department of Corrections Regulatory Plan are discussed below.

Updates* to Part 1 of the 2020-2021 Plan

**Paragraphs 1-3 of Part 1 of the 2019-2020 Plan require no updates.*

4. Section 944.241, Florida Statutes

Rule 33-602.211 of the Florida Administrative Code was adopted, effective June 1, 2021.

5. Sections 916.1085, 944.47, Florida Statutes

Rule 33-602.203 of the Florida Administrative Code was adopted, effective May 19, 2021.

Updates* to Part 2 of the 2020-2021 Plan

**Paragraphs 1-6, of Part 2 of the 2020-2021 Plan require no updates.*

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, increase efficiency and foster a safer correctional environment. The Department published a Notice of Proposed Rule on May 18, 2021.

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 and published a Notice of Rule Development on September 23, 2021.

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

Rule 33-601.314 of the Florida Administrative Code was adopted, effective January 18, 2021.

10. Sections 944.611, and 944.613, Florida Statutes

Rule 33-601.502 of the Florida Administrative Code was adopted, effective July 7, 2021.

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

Rule 33-601.735 of the Florida Administrative Code was adopted, effective January 18, 2021.

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 and published a Notice of Rule Development on August 9, 2021.

Updates* to Part 3 of the 2020-2021 Plan

**Part 3 of the 2020-2021 Plan provides updates to the 2019-2020 Plan. Part 1 of the 2019-2020 Plan requires no updates.*

Updates to Part 2 of the 2019-2020 Plan

Paragraphs 1-4, 6, 9-13, 16-18 of Part 2 of the 2019-2020 Plan require no updates.

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

Rule 33-601.105 of the Florida Administrative Code is being amended to clarify the rule and the Department published a Notice of Proposed Rule on August 23, 2021.

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

Rule 33-601.308 of the Florida Administrative Code was adopted, effective January 18, 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 was adopted, effective January 18, 2021.

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

Rule 33-601.735 of the Florida Administrative Code was adopted, effective January 18, 2021.

15. Section 944.09, Florida Statutes

Rules 33-601.800, 33-601.820, and 33-601.830 of the Florida Administrative Code were adopted, effective January 18, 2021.

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

Rule 33-602.220 of the Florida Administrative Code was adopted, effective June 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 adopted, effective January 18, 2021.

21. Sections 20.315, and 944.09, Florida Statutes

Rule 33-602.222 of the Florida Administrative Code was adopted, effective June 1, 2021.

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

Rule 33-602.901 of the Florida Administrative Code was adopted, effective January 18, 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 1-16, 19-21, and 23 of Part 2 of the 2018-2019 Plan require no updates.*

17. Section 944.09, Florida Statutes

Rule 33-601.820 of the Florida Administrative Code was adopted, effective January 18, 2021.

18. Section 944.09, Florida Statutes

Rule 33-601.830 of the Florida Administrative Code was adopted, effective January 18, 2021.

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 adopted, effective October 28, 2020.

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

Rule 33-602.900 of the Florida Administrative Code was adopted, effective January 18, 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 June 22 and July 30, 2021, to determine if the rules remain consistent with the agency's rulemaking authority and the laws implemented.



Mark S. Inch, Secretary

9/23/21
Date



Lance Neff, General Counsel

23 Sep + 2021
Date