



**REGULATORY PLAN
ANNUAL REPORT 2021**

**DEPARTMENT OF CHILDREN AND FAMILIES
OFFICE OF THE GENERAL COUNSEL**

**Shevaun L. Harris
Secretary**

**Ron DeSantis
Governor**

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

Ron DeSantis
Governor

Shevaun L. Harris
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 2021.

The Department regularly reviews all of its rules and most recently completed a review of its rules as of August 2021, to determine if they remain consistent with the Department's rulemaking authority and the laws implemented.

Shevaun L. Harris, Secretary

8/28/2021

Date

Javier Enriquez, General Counsel

8/3/21

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 twenty-eight new or amended laws enacted in the 2021 Legislative Session that create or modify the Department's duties or authority. Of these, twelve require the Department to implement the law by rulemaking and ten must otherwise be implemented by rulemaking.

This report also identifies multiple other laws expected to be implemented by rulemaking before July 2022, 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 no required rulemaking noticed on last year's report that was not initiated before July 1, 2021.

THE FOLLOWING LAWS ENACTED OR AMENDED DURING THE PREVIOUS 12 MONTHS CREATE OR MODIFY THE DUTIES OR AUTHORITY OF THE DEPARTMENT
REPORTING PERIOD: August 2020 through August 2021
2021 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	
2021-010 (402.281 transferred and renumbered 1002.945, F.S.)	No	N/A	N/A	N/A	The Bill called for a Type 2 transfer, which was all encompassing, so existing rules will be transferred to the Department of Education.
2021-120 (402.305, F.S.)	Yes	N/A	10/2021	10/2021	
2021-128 (397.415, F.S.)	No	Yes	10/2021	3/2022	
2021-128 (397.4873, F.S.)	No	Yes	10/2021	3/2022	
2021-131 (402.181, F.S.)	Yes	N/A	9/2021	10/2021	
2021-152 (741.327, F.S.)	Yes	N/A	6/2021	9/2021	
2021-169 (39.00146, F.S.)	Yes	N/A	9/2021	10/2021	
2021-169 (39.01375, F.S.)	No	Yes	9/2021	10/2021	

2021-169 (39.401, F.S.)	No	No	N/A	N/A	The statute specifies authorized placements for children.
2021-169 (39.402, F.S.)	No	No	N/A	N/A	The statutory language outlines the requirements and reasonable efforts the Department must make to place a child in the order of priority outlined in section 39.4021, F.S.
2021-169 (39.4021, F.S.)	No	Yes	9/2021	10/2021	
2021-169 (39.4022, F.S.)	Yes	N/A	9/2021	10/2021	
2021-169 (39.4023, F.S.)	Yes	N/A	9/2021	10/2021	
2021-169 (39.4024, F.S.)	Yes	N/A	9/2021	10/2021	
2021-169 (39.522, F.S.)	No	Yes	9/2021	10/2021	
2021-169 (39.523, F.S.)	Yes	N/A	9/2021	10/2021	
2021-169 (39.6035, F.S.)	Yes	No	9/2021	10/2021	
2021-169 (39.8155, F.S.)	No	Yes	9/2021	10/2021	
2021-169 (409.14515, F.S.)	Yes	N/A	9/2021	10/2021	
2021-169 (414.56, F.S.)	No	N/A	N/A	N/A	No rulemaking authority.
2021-170 (39.201, F.S.)	No	No	N/A	N/A	Statutory language sets the requirements for operation of the child abuse hotline.
2021-170 (39.2015, F.S.)	No	No	N/A	N/A	Statutory language provides sufficient guidance.
2021-170	Yes	N/A	9/2021	10/2021	

(39.208, F.S.)					
2021-170 (39.4085, F.S.)	No	Yes	9/2021	10/2021	
2021-170 (394.9082, F.S.)	No	No	N/A	N/A	Subsection (17) can be implemented by amending managing entity contracts. Subsection (19) can be implemented through appropriate allocation of Department staff to support the Commission, as needed.
2021-170 (409.1415, F.S.)	Yes	N/A	9/2021	10/2021	
2021-170 (409.175, F.S.)	No	Yes	9/2021	10/2021	
2021-176 (394.463, F.S.)	No	Yes	10/2021	3/2022	

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2022

Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
65A-1.603	414.45, F.S.	Amendment	Update federal standards
65A-1.701	409.902, 409.903, 409.904, 409.906, 409.919, F.S.	Amendment	Update federal standards
65A-1.703	409.903, 409.904, 409.919, F.S.	Amendment	Update federal standards
65A-1.712	409.9102, 409.919, F.S.	Amendment	Update federal standards; clarify
65A-1.716	409.902, 409.903, 409.904, 409.906, 409.919, F.S.	Amendment	Update federal standards
65A-1.730	409.818, F.S.	Amendment	Clarify
65A-2.022	409.212, F.S.	Amendment	Update information; Improve access
65A-2.023	409.212, F.S.	Amendment	Update information; Improve access
65A-2.032	409.212, 429.67, F.S.	Amendment	Update information; Improve access
65A-2.036	409.212, F.S.	Amendment	Update federal standards
65A-4.201	414.45, 414.105, 414.14, F.S.	Amendment	Clarify
65A-4.203	414.45, 414.065, F.S.	Amendment	Clarify
65A-4.207	414.095, 414.45, 414.0252, F.S.	Amendment	Clarify
65A-4.208	414.095, 414.45, F.S.	Amendment	Clarify
65A-4.209	414.085, 414.095, 414.45, F.S.	Amendment	Clarify
65A-4.210	414.45, 414.085, 414.95, F.S.	Amendment	Clarify
65A-4.2131	414.45, 414.1251, F.S.	Amendment	Clarify
65A-4.214	414.45, 414.115, F.S.	Amendment	Clarify
65A-4.215	414.045, 414.095, F.S.	Amendment	Clarify

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2022

Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
65A-4.216	414.45, 414.13, F.S.	Amendment	Clarify
65A-4.220	414.45, 414.095, 414.095, F.S.	Amendment	Clarify
65C-20.012	402.305, 402.310, 402.313, 402.3131, F.S.	Amendment	Increase efficiency; Clarify
65C-22.001	402.305, 402.3054, 402.3055, 402.308, 402.309, 402.310, F.S.	Amendment	Increase efficiency; Remove unnecessary provisions; Clarify; Simplify; Add safety standards
65-22.008	402.302, 402.313, 402.3131, F.S.	Amendment	Remove unnecessary provisions; Clarify; Simplify; Increase efficiency
65C-22.010	402.305, 402.310, F.S.	Amendment	Clarify
65C-45.002	409.175, F.S.	Amendment	Clarify; Increase efficiency
65C-45.003	409.175, F.S.	Amendment	Clarify; Increase efficiency
65C-45.005	409.175, F.S.	Amendment	Clarify; Increase efficiency
65C-45.010	409.175, F.S.	Amendment	Clarify; Increase efficiency
65C-45.0121	409.175, F.S.	Amendment	Clarify; Increase efficiency
65C-45.013	409.175, F.S.	Amendment	Clarify; Increase efficiency
65C-45.014	409.175, F.S.	Amendment	Clarify; Increase efficiency
65C-45.015	409.175, F.S.	Amendment	Clarify; Increase efficiency
65C-45.017	409.175, F.S.	Amendment	Clarify; Increase efficiency
65D-30.001	397, F.S.	Amendment	Clarify
65D-30.002	397.311, 397.321, 397.410, F.S.	Amendment	Clarify; Simplify
65D-30.0031	397.321, 397.403, 397.417, 397.4871, F.S.	Amendment	Clarify; Improve coordination with other agencies

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2022

Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
65D-30.0036	397.321, 397.4014, 397.403, 397.407, 397.410, 397.411, F.S.	Amendment	Clarify; Improve coordination with other agencies
65D-30.0037	397.321, 397.4014, 397.403, 397.407, 397.410, F.S.	Amendment	Clarify; Improve coordination with other agencies
65D-30.0038	397.410, 397.411, 397.415, F.S.	Amendment	Clarify; Improve coordination with other agencies
65D-30.004	397.321, 397.4014, 397.4073, 397.4075, 397.410, 397.4103, 397.4113, 397.4872, F.S.	Amendment	Clarify; Improve coordination with other agencies
65D-30.0046	397.321, 397.410, F.S.	Amendment	Clarify; Simplify
65D-30.013	397.311, 397.321, 397.410, F.S.	Amendment	Clarify; Simplify; Improve coordination with other agencies
65D-30.0141	397.311, 397.321, 397.407, 397.410, 397.427, F.S.	Amendment	Clarify; Simplify;
65D-30.0143	397.311, 397.321, 397.410, 397.427, F.S.	Adoption	Reduce regulatory costs; Increase efficiency
65E-4.016	394.875, 394.876, 394.877, 394.879, 394.90, 394.902, 394.903, F.S.	Amendment	Clarify
65E-5.100	394.455, 394.457, 394.4655, F.S.	Amendment	Clarify
65E-5.120	394.457, F.S.	Amendment	Increase efficiency; Improve coordination with other agencies
65E-5.1303	394.4573, 394.459, 394.460 F.S.	Amendment	Clarify
65E-5.1703	394.459, 394.4598, 394.463, 494.46715, F.S.	Amendment	Delete obsolete, unnecessary, or redundant rules
65E-5.260	394.462, 394.463, F.S.	Repeal	Delete obsolete, unnecessary, or redundant rules

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2022

Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
65E-5.2601	394.462, F.S.	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.280	394.463, F.S.	Amendment	Clarify; Improve coordination with other agencies
65E-5.2801	394.463, F.S.	Amendment	Clarify; Improve coordination with other agencies
65E-5.350	394, Part I, IV, 394.455, 394.461, 394.461, 394.462, 395, 415, 458, 817, F.S.	Amendment	Clarify
65E-5.351	394.461, F.S.	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.352	394.461, F.S.	Amendment	Clarify
65E-5.353	394, 394.455, 394.461, 395, 415, 458.331, 817.505, F.S.	Amendment	Clarify
65E-5.354	394.457, 394.461, F.S.	Adoption	Clarify
65E-5.355	394.457, 394.459, F.S.	Adoption	Clarify
65E-5.356	394.461, F.S.	Adoption	Improve coordination with other agencies
65E-5.357	394.461, F.S.	Adoption	Improve coordination with other agencies
65E-5.358	394.462, 394.463, F.S.	Adoption	Improve coordination with other agencies
65E-9.002	394.875, F.S.	Amendment	Clarify
65E-9.005	394.875, F.S.	Amendment	Clarify; Increase efficiency
65E-9.006	394.875, F.S.	Amendment	Clarify; Improve coordination with other agencies
65E-9.007	394.875, F.S.	Amendment	Clarify
65E-9.008	394.875, F.S.	Amendment	Clarify
65E-9.011	394.875, F.S.	Amendment	Clarify; Improve coordination with other agencies
65E-9.014	394.875, F.S.	Amendment	Clarify
65E-10.013	394.4781, F.S.	Repeal	Delete redundant rule

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2022

Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
65E-10.014	394.4781, F.S.	Repeal	Delete redundant rule
65E-10.016	394.4781, F.S.	Repeal	Delete redundant rule
65E-10.018	394.4781, F.S.	Repeal	Delete redundant rule
65E-14.001	394.74, 394.77, 394.9082, 397.481, F.S.	Amendment	Clarify
65E-14.021	394.74, 394.77, 394.78, 394.9082, 397.321, 402.73, F.S.	Amendment	Clarify; Improve coordination with other agencies

UPDATE TO 2020 REGULATORY PLAN

Rulemaking was not initiated prior to July 1, 2021 for the following rules:

65A-1.203, .301, .303, .605, .711, .715, .730

65A-4.201, .203, .207-.210, .2131, .214-.216

65C-14.009, .117

Rule chapters 65C-15 and 65C-17

65C-20.008, .012

65C-22.008, .010

65E-4.015

Rule chapter 65E-5

65E-14.003, .010, .020, .021

**RULEMAKING NOT INITIATED BY JULY 1, 2021 FOR LAWS PREVIOUSLY REPORTED AS
REQUIRED ON THE 2020 REGULATORY PLAN**

None