

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS
REGULATORY PLAN CERTIFICATION

Pursuant to section 120.74(1)(d), Florida Statutes, the undersigned hereby certify that he has reviewed the agency's regulatory plan and that the agency regularly reviews all of its rules to determine if the rules remain consistent with the agency's rulemaking authority and laws implemented. The rules of the Division of Administrative Hearings have been reviewed, and it has been determined that the rules remain consistent with the agency's rulemaking authority and the laws implemented.

Dated this 19th day of September, 2019, in Tallahassee, Leon County, Florida.



Robert S. Cohen
Director and Chief Judge*
Division of Administrative Hearings

*Agency head is also the principal legal advisor for the agency. The position of Deputy Chief Administrative Law Judge is currently vacant.

**DIVISION OF ADMINISTRATIVE HEARINGS
2019-20 Regulatory Plan**

Pursuant to section 120.74(1)(a), Florida Statutes

Law enacted or amended	Is rulemaking necessary to implement the law?	Written Explanation Why the Law May be Implemented Without Rulemaking	Rule Development and Proposed Rule F.A.R. Citations or the Date Rule Expected to be Published Rule Number	Statute Number	Rule Number	Rule Title
Ch. 2019-049, Laws of Fla.	No	The statute is clear that the identity of children in any administrative proceedings shall be kept confidential and exempt from public records.	N/A	39.202(2)(j)	N/A	N/A
Ch. 2019-076, Laws of Fla.	No	The statute is clear that the department's decision to reject an application for a certificate of title or to cancel a certificate of title provides a right to an administrative hearing pursuant to s. 120.569 and 120.57, F.S. No clarification by rule is necessary.	N/A	328.09(6)	N/A	N/A
Ch. 2019-136, Laws of Fla.	No	The repeal of most certificate of need for health care facilities takes away a right to a hearing concerning the issuance or denial of a CON. DOAH will no longer hear cases involving CONs for hospitals, so no rulemaking to clarify the clear statutory mandate is required or necessary.	N/A	408	N/A	N/A
Ch. 2019-159, Laws of Fla.	No	The statute creates a new statewide certification process for addiction professionals and provides a right for an administrative hearing pursuant to sections 120.569 and 120.57 for aggrieved applicants or licensees. No rulemaking is necessary to explain the plain language of the statute regarding the right to hearing. Further, under the second statute cited, the right to an administrative hearing when action is taken against certification is clear and needs no further explanation through rulemaking as to hearing rights.	N/A	397.321(15), 397.487(8)(e)	N/A	N/A
Ch. 2019-160, Laws of Fla.	No	The right to an hearing by an affected party to a continuing care application is clearly stated and needs no rulemaking to implement. The second provision cited allows a hearing right if the application is denied and, since clearly stated, requires no rulemaking from DOAH to explain or implement. The final provision cited similarly is clear as to the right to an administrative hearing authorized and requires no rulemaking to explain or implement.	N/A	651.0215(5), 651.0246(1)(c)3., 651.0246(6)	N/A	N/A

Pursuant to section 120.74(1)(b), Florida Statutes

Law Implemented	Rule Number	Rule Title	Explain whether the rule is intended to simplify, clarify, increase efficiency, improve coordination with other agencies, reduce regulatory costs, or delete obsolete, unnecessary, or redundant rules

Pursuant to section 120.74(1)(c), Florida Statutes – Updates to previous Regulatory Plan

Law enacted or amended	Is rulemaking necessary to implement the law?	Written Explanation Why the Law May be Implemented Without Rulemaking	Rule Development and Proposed Rule F.A.R. Citations or the Date Rule Expected to be Published Rule Number	Statute Number	Rule Number	Rule Title