



FLORIDA DEPARTMENT OF CORRECTIONS

2019-2020 REGULATORY PLAN

Contents

Part 1- Laws Creating or Modifying the Duties or Authority of the Agency.....	2
Part 2 – Expected Implementation of Other Laws During Fiscal Year 2019-2020.....	3
Part 3 – Updates to the Agency’s 2018-2019 Regulatory Plan.....	5
Updates to Part 1 of the 2018-2019 Plan:.....	6
Updates to Part 2 of the 2018-2019 Plan:.....	6
Updates to Part 3 of the 2018-2019 Plan:.....	7
Part 4 - Certification	8

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. Section 394.464, Florida Statutes

Rulemaking does not appear to be 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.

2. Section 944.242, Florida Statutes

Rulemaking does not appear to be 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. Section 117.05, Florida Statutes

Rulemaking does not appear to be 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.

4. Sections 908.101-908.109, Florida Statutes

Rulemaking does not appear to be 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 laws.

5. Section 943.13, Florida Statutes

Rulemaking does not appear to be 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.

6. Sections 98.0751, 940.061, 944.292, 944.705, 947.24, and 948.041, Florida Statutes

Rulemaking does not appear to be 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 laws.

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

Rulemaking does appear to be necessary to implement Section 944.705, Florida Statutes. The agency has not published a Notice of Rule Development. The agency expects to publish a Notice of Proposed Rule not later than April 1, 2020.

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, 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.

8. Section 119.071, Florida Statutes

Rulemaking does not appear to be 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.

9. Sections 112.19, 112.1912, 295.01, and 295.061, Florida Statutes

Rulemaking does not appear to be 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 laws.

10. Section 119.071, Florida Statutes

Rulemaking does appear to be necessary to implement Section 119.071, Florida Statutes. The agency has not published a Notice of Rule Development. The agency expects to publish a Notice of Proposed Rule not later than April 1, 2020.

Part 2 – Expected Implementation of Other Laws During Fiscal Year 2019-2020

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 Rules 33-103.001, 33-103.002, 33-103.003, 33-103.004, 33-103.005, 33-103.006, 33-103.007, 33-103.010, 33-103.013, and 33-103.014 of the *Florida Administrative Code* to improve efficiency.

2. Sections 944.09 and 944.241, Florida Statutes

The Department expects to implement these laws by amending Rule 33-103.015 of the *Florida Administrative Code* to improve efficiency.

3. Sections 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, and 944.47, Florida Statutes

The Department expects to implement these laws by amending Rule 33-208.002 of the *Florida Administrative Code* to improve efficiency and to clarify this rule.

4. Sections 112.3135 and 945.0311, Florida Statutes

The Department expects to implement these laws by amending Rule 33-208.004 of the *Florida Administrative Code* to make the rule consistent with existing statutes.

5. Sections 944.09, 944.275, and 944.28, Florida Statutes

The Department expects to implement these laws by amending Rule 33-601.105 of the *Florida Administrative Code* to clarify this rule.

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

The Department expects to implement these laws by amending Rule 33-601.215 of the *Florida Administrative Code* to clarify this rule.

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

The Department expects to implement these laws by amending Rule 33-601.308 of the *Florida Administrative Code* to clarify this rule.

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

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

9. Sections 945.091 and 946.002, Florida Statutes

The Department expects to implement these laws by amending Rule 33-601.602 of the *Florida Administrative Code* to improve efficiency and to clarify this rule.

10. Sections 20.315, 944.09, and 944.23, Florida Statutes

The Department expects to implement these laws by amending Rules 33-601.713, 33-601.716, 33-601.717, and 33-601.722 of the *Florida Administrative Code* to improve efficiency and to clarify these rules.

11. Sections 20.315, 944.09, 944.23, 944.47, 944.8031, Florida Statutes

The Department expects to implement these laws by amending Rule 33-601.726 of the *Florida Administrative Code* to improve efficiency and to clarify this rule.

12. Sections 944.09, 944.115, 944.23, 944.47, 944.8031, Florida Statutes

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

13. 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 improve efficiency and to clarify this rule.

14. Sections 20.315, 944.09, 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 this rule.

15. Section 944.09, Florida Statutes

The Department expects to implement this law by amending Rules 33-601.800, 33-601.820, and 33-601.830 of the *Florida Administrative Code* to improve efficiency and to clarify these rules.

16. Sections 406.50, 406.53, and 944.09, Florida Statutes

The Department expects to implement these laws by amending Rule 33-602.112 of the *Florida Administrative Code* to improve efficiency and to clarify this rule.

17. Sections 944.09, 944.47, 944.472, and 944.473, Florida Statutes

The Department expects to implement these laws by amending Rule 33-602.204 of the *Florida Administrative Code* to improve efficiency.

18. 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 this rule.

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

The Department expects to implement this law by amending Rule 33-602.220 of the *Florida Administrative Code* to clarify this rule.

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

The Department expects to implement this law by amending Rule 33-602.221 of the *Florida Administrative Code* to clarify this rule.

21. Sections 20.315 and 944.09, Florida Statutes

The Department expects to implement this law by amending Rule 33-602.222 of the *Florida Administrative Code* to clarify this rule.

22. Sections 20.315, 944.09, 944.8031, Florida Statutes

The Department expects to implement these laws by adopting Rule 33-602.901 of the *Florida Administrative Code* to increase efficiency.

Part 3 – Updates to the Agency’s 2018-2019 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 2018-2019 Regulatory Plan were published. Updates to the 2018-2019 Department of Corrections Regulatory Plan are discussed below.

Updates* to Part 1 of the 2018-2019 Plan:

**Paragraphs 1-13 of Part 1 the 2018-2019 Plan require no updates.*

Updates* to Part 2 of the 2018-2019 Plan:

**Paragraphs 2, 3, 7-9, 11, 13-18, and 20-23 of Part 2 the 2018-2019 Plan require no updates.*

1. Section 944.09, Florida Statutes

Rules 33-103.005, 33.103.006, and 33-103.007 of the *Florida Administrative Code* were adopted, effective November 7, 2018.

4. Section 944.09, Florida Statutes

Rule 33-208.101 of the *Florida Administrative Code* was adopted, effective October 9, 2018.

5. Sections 944.09, 945.48, and 945.49, Florida Statutes

Rules 33-404.102, 33.404.103, 33-404.108, and 33-404.112 of the *Florida Administrative Code* were adopted, effective November 7, 2018.

6. Section 944.11, Florida Statutes

Implementation via Rule 33-501.401 of the *Florida Administrative Code* during 2018-2019 was temporarily postponed, but the rule is currently in rule language development.

10. Sections 943.0311, 944.48, and 948.03, Florida Statutes

Implementation via Rule 33-601.250 of the *Florida Administrative Code* during 2018-2019 was temporarily postponed, but the rule is currently in rule language development.

12. Sections 20.315, 944.09, and 944.23, Florida Statutes

For Rule 33-601.722 of the *Florida Administrative Code*, the agency published a Notice of Proposed Rulemaking on March 23, 2018, and published a Notice of Change on May 9, 2018; however, on October 23, 2018, the agency withdrew the rule.

19. Section 944.09, Florida Statutes

Implementation via Rule 33-602.201 of the *Florida Administrative Code* during 2018-2019 was temporarily postponed, but the rule is currently in rule language development.

24. Sections 944.14, 944.15, and 944.23, Florida Statutes

Implementation via Rule 33-602.900 of the *Florida Administrative Code* during 2018-2019 was temporarily postponed, but the rule is currently in rule language development.

Updates to Part 3 of the 2018-2019 Plan:

Updates to Part 1 of the 2017-2018 Plan

**Paragraphs 1-2 of Part 3.1 the 2018-2019 Plan (updating Part 1 of the 2017-2018 Plan) require no updates.*

Updates to Part 2 of the 2017-2018 Plan

**Paragraphs 1, 3-9, and 11-22 of Part 3.2 of the 2018-2019 Plan (updating Part 2 of the 2017-2018 Plan) require no updates. Paragraphs 2 and 10 are updated as follows:*

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

Rules 33-404.103 and 33-404.108 of the *Florida Administrative Code* were adopted, effective November 7, 2018.

10. Sections 944.09 and 945.215, Florida Statutes

Rules 33-602.101 of the *Florida Administrative Code* was adopted, effective October 9, 2018.

Updates to Part 3 of the 2017-2018 Plan

**Paragraph 1 of Part 3.3 of the 2018-2019 Plan (updating Part 3 of the 2017-2018 Plan) requires no updates. Paragraph 2 is updated as follows:*

2. Section 944.09, Florida Statutes

Rule 33-103.008 of the *Florida Administrative Code* was adopted, effective November 4, 2018. Rules 33-103.005, 33-103.006, 33-103.007, 33-103.011, and 33-103.014 of the *Florida Administrative Code* were adopted, effective November 7, 2018.

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 July 31 and September 15, 2019, to determine if the rules remain consistent with the agency's rulemaking authority and the laws implemented.



Mark S. Inch, Secretary

9/23/19

Date



Kenneth S. Steely, General Counsel

9/23/19

Date