

# DEPARTMENT OF CHILDREN AND FAMILIES

## ANNUAL REGULATORY PLAN 2022-23

### PART ONE LAWS ENACTED OR AMENDED

Part One of the Plan addresses each law enacted or amended during the 2022 Legislative Session which creates or modifies the duties or authority of the Department of Children and Families. §120.74(1)(a), Fla. Stat. (2022).

Law Enacted or Modified (in last 12 months) creating or modifying Department duties or authority. Identify the Law Chapter.	Florida Statute that was modified or created.	Rule impacted.	Is rulemaking mandatory? (Yes/No)	If rulemaking is discretionary, is rulemaking necessary to implement the law? (Yes/No)	If rulemaking is necessary, provide the date the Notice of Development was/will be published in the F.A.R.	If rulemaking is necessary, provide the expected date the Notice of Proposed Rule will be published in the F.A.R.	If rulemaking not necessary, provide a concise explanation of why.
2022-13	397.417	65D-30.0031	No	Yes	10/2022	3/2023	
2022-13	397.417	65D-30.004	No	Yes	10/2022	3/2023	
2022-13	397.417	65D-30.046	No	Yes	10/2022	3/2023	
2022-23	39.3065	65C-16.021	No	Yes	10/2022	11/2022	
2022-31	397.4104	65D-30.0036	No	Yes	7/2022	7/2022	

Law Enacted or Modified (in last 12 months) creating or modifying Department duties or authority. Identify the Law Chapter.	Florida Statute that was modified or created.	Rule impacted.	Is rulemaking mandatory? (Yes/No)	If rulemaking is discretionary, is rulemaking necessary to implement the law? (Yes/No)	If rulemaking is necessary, provide the date the Notice of Development was/will be published in the F.A.R.	If rulemaking is necessary, provide the expected date the Notice of Proposed Rule will be published in the F.A.R.	If rulemaking not necessary, provide a concise explanation of why.
2022-31	397.4104	65D-30.0038	No	Yes	10/2022	11/2022	
2022-31	397.4104	65D-30.004	No	Yes	10/2022	11/2022	
2022-36	394.463	65E-5.280	No	Yes	10/2022	3/2023	
2022-41	394.4625, 394.463, and 397.341		No	No			The statute requires law enforcement to transport individuals in the least restrictive manner. The Department has no regulatory authority over law enforcement.
2022-55	409.166	65C-16.001	No	Yes	10/2022	3/2023	
2022-55	409.166	65C-16.002	No	Yes	10/2022	3/2023	

Law Enacted or Modified (in last 12 months) creating or modifying Department duties or authority. Identify the Law Chapter.	Florida Statute that was modified or created.	Rule impacted.	Is rulemaking mandatory? (Yes/No)	If rulemaking is discretionary, is rulemaking necessary to implement the law? (Yes/No)	If rulemaking is necessary, provide the date the Notice of Development was/will be published in the F.A.R.	If rulemaking is necessary, provide the expected date the Notice of Proposed Rule will be published in the F.A.R.	If rulemaking not necessary, provide a concise explanation of why.
2022-55	409.166	65C-16.004	No	Yes	10/2022	3/2023	
2022-55	409.166	65C-16.005	No	Yes	10/2022	3/2023	
2022-55	409.166	65C-16.012	No	Yes	10/2022	3/2023	
2022-55	409.166	65C-16.013	No	Yes	10/2022	3/2023	
2022-55	409.166	65C-16.0131	No	Yes	10/2022	3/2023	
2022-55	409.166	65C-16.015	No	Yes	10/2022	3/2023	
2022-55	409.166	65C-16.019	No	Yes	10/2022	3/2023	

Law Enacted or Modified (in last 12 months) creating or modifying Department duties or authority. Identify the Law Chapter.	Florida Statute that was modified or created.	Rule impacted.	Is rulemaking mandatory? (Yes/No)	If rulemaking is discretionary, is rulemaking necessary to implement the law? (Yes/No)	If rulemaking is necessary, provide the date the Notice of Development was/will be published in the F.A.R.	If rulemaking is necessary, provide the expected date the Notice of Proposed Rule will be published in the F.A.R.	If rulemaking not necessary, provide a concise explanation of why.
2022-55	39.407	65C-27.001	No	Yes	11/2022	12/2022	
2022-55	39.407	65C-27.002	No	Yes	11/2022	12/2022	
2022-55	39.407(6)	65C-28.021	No	Yes	10/2022	11/2022	
2022-58	39.3065	N/A	No	No	N/A	N/A	Budget office will establish financial reconciliation and reporting process and contracts will be amended. No rule promulgation necessary.
2022-62	916.106	N/A	No	No	N/A	N/A	The statute may be implemented through the Department's contracts with forensic services providers and through interagency agreements with Florida county jails.

Law Enacted or Modified (in last 12 months) creating or modifying Department duties or authority. Identify the Law Chapter.	Florida Statute that was modified or created.	Rule impacted.	Is rulemaking mandatory? (Yes/No)	If rulemaking is discretionary, is rulemaking necessary to implement the law? (Yes/No)	If rulemaking is necessary, provide the date the Notice of Development was/will be published in the F.A.R.	If rulemaking is necessary, provide the expected date the Notice of Proposed Rule will be published in the F.A.R.	If rulemaking not necessary, provide a concise explanation of why.
2022-65	743.067	N/A	No	No	N/A	N/A	The Office of Economic Self Sufficiency will revise a standardized form. The form does not impose requirements or solicit information not specifically required by statute. The Office of Continuing Care will amend a contract with a third-party vendor. No rule promulgation necessary.
2022-67	409.1451	65C-28.009	No	Yes	10/2022	11/2022	
2022-68	409.145(3)	N/A	No	No	N/A	N/A	The Department refrains from included monetary amounts in rule when they are outlined in Florida Statute. The Department issues an annual memorandum which outlines the monetary distribution to foster parents each fiscal year.

Law Enacted or Modified (in last 12 months) creating or modifying Department duties or authority. Identify the Law Chapter.	Florida Statute that was modified or created.	Rule impacted.	Is rulemaking mandatory? (Yes/No)	If rulemaking is discretionary, is rulemaking necessary to implement the law? (Yes/No)	If rulemaking is necessary, provide the date the Notice of Development was/will be published in the F.A.R.	If rulemaking is necessary, provide the expected date the Notice of Proposed Rule will be published in the F.A.R.	If rulemaking not necessary, provide a concise explanation of why.
2022-68	39.5085	65C-28.008	Yes	N/A	11/2022	12/2022	
2022-126	394.463	N/A	No	No	N/A	N/A	The statute can be implemented through a data sharing agreement with the Florida Department of Education (DOE). Also, the Department's Office of Information Technology Services will develop an application for the Department to receive this Baker Act data from DOE as well as other sources.
2022-168	409.175(14)	65C-45.002	No	Yes	10/2022	12/2022	

**PART TWO**  
**LAWS EXPECTED TO BE IMPLEMENTED THROUGH RULEMAKING**

Part Two of this plan addresses those laws which the Department of Children and Families intends to implement through rulemaking by July 1, 2023, that are otherwise not covered pursuant to Part One of this Plan. This Part does not include emergency rulemaking or any other rulemaking that may become necessary that was not evident at the time of the submission of this plan. Additionally, the listing of a law to be implemented does not mean the rule will necessarily be adopted or effective by July 1, 2023. §120.74(1)(b), Fla. Stat. (2022).

<b>Rule Number</b>	<b>Statute Implemented</b>	<b>Adoption/ Amendment/ Repeal</b>	<b>Intended Purpose of Rulemaking*</b>
65A-1.603	414.45	Amendment	Clarify
65A-1.701	409.902, 409.903, 409.904, 409.906, 409.919	Amendment	Clarify
65A-1.703	409.903, 409.904, 409.919	Amendment	Clarify
65A-1.712	409.9102, 409.919	Amendment	Clarify
65A-1.716	409.902, 409.903, 409.904, 409.906, 409.919	Amendment	Clarify

<b>Rule Number</b>	<b>Statute Implemented</b>	<b>Adoption/ Amendment/ Repeal</b>	<b>Intended Purpose of Rulemaking*</b>
65A-2.022	409.212	Amendment	Clarify, Increase Efficiency
65A-2.036	409.212	Amendment	Clarify
65A-4.201	414.45, 414.105, 414.14	Amendment	Clarify
65A-4.203	414.45, 414.065	Amendment	Clarify
65A-4.207	414.095, 414.45, 414.0252	Amendment	Clarify
65A-4.208	414.095, 414.45	Amendment	Clarify
65A-4.209	414.085, 414.095, 414.45	Amendment	Clarify
65A-4.210	414.45, 414.085, 414.95	Amendment	Clarify



<b>Rule Number</b>	<b>Statute Implemented</b>	<b>Adoption/ Amendment/ Repeal</b>	<b>Intended Purpose of Rulemaking*</b>
65A-4.2131	414.45, 414.1251	Amendment	Clarify
65A-4.214	414.45, 414.115	Amendment	Clarify
65A-4.215	414.045, 414.095	Amendment	Clarify
65A-4.216	414.45, 414.13	Amendment	Clarify
65A-4.220	414.45, 414.095(14)(k), 414.095(18)	Amendment	Clarify
65C-15	409.175	Amendment	Simplify, clarify, increase efficiency, improve coordination with other agencies, delete obsolete, unnecessary, or redundant rules
65C-20.008	402.302, 402.305, 402.309, 402.313, 402.3131	Amendment	Clarify; Simplify
65C-22.001	402.305, 402.3054, 402.3055, 402.308, 402.309, 402.310	Amendment	Clarify; Increase efficiency; Simplify

<b>Rule Number</b>	<b>Statute Implemented</b>	<b>Adoption/ Amendment/ Repeal</b>	<b>Intended Purpose of Rulemaking*</b>
65C-22.008	402.305	Amendment	Clarify; Increase efficiency; Simplify
65C-28.004	39.523	Repealed	Redundant rules
65C-28.005	39.4023	Repealed	Redundant rules
65C-45.002	409.175	Amendment	Clarify; Simplify
65D-30.0037	397.321(6), 397.4014, 397.403, 397.407, 397.410 FS.	Amendment	Clarify
65D-30.0141	397.311(26), 397.321, 397.407, 397.410, 397.427 FS.	Amendment	Clarify
65E-4.016	394.875, 394.876, 394.877, 394.879, 394.90, 394.902, 394.903 FS.	Amendment	Clarify, Increase efficiency, Reduce regulatory costs.
65E-5.270	394.4599, 394.4625, 400, 400.102(3) FS.	Amendment	Clarify

Rule Number	Statute Implemented	Adoption/ Amendment/ Repeal	Intended Purpose of Rulemaking*
65H-1.011	39.903	Amendment	Clarify
65H-1.018	39.905	Amendment	Clarify

\*State whether the rulemaking is intended to simplify, clarify, increase efficiency, improve coordination with other agencies, reduce regulatory costs, or delete obsolete, unnecessary, or redundant rules.

**PART THREE**  
**UPDATES TO PRIOR YEAR'S PLAN**

Part Three of the Plan addresses whether there are any updates to the prior year's regulatory plan pursuant to §120.74(1)(c), Fla. Stat. (2022).

Rules where Rulemaking was not initiated prior to July 1, 2022, for laws previously reported as required on the 2021 Regulatory Plan.

Rule Number	Law	Notice of Rule Development Citation	If the Agency determined that rulemaking is unnecessary, explanation of reason why the law may be implemented without rulemaking.
65C-28.024	2021-169 (39.01375, F.S.)	10/28/2021, Vol. 47/210. Proposed rule published 9/16/2022, Vol. 48/181.	
65C-30.023	2021-169 (39.01375, F.S.)	10/28/2021, Vol. 47/210. Proposed rule published 9/16/2022, Vol. 48/181.	

<b>Rule Number</b>	<b>Law</b>	<b>Notice of Rule Development Citation</b>	<b>If the Agency determined that rulemaking is unnecessary, explanation of reason why the law may be implemented without rulemaking.</b>
65C-28.024	2021-169 (39.4021, F.S.)	10/28/2021, Vol. 47/210. Proposed rule published 9/16/2022, Vol. 48/181.	
65C-30.023	2021-169 (39.4022, F.S.)	10/28/2021, Vol. 47/210. Proposed rule published 9/16/2022, Vol. 48/181.	
65C-28.024	2021-169 (39.4023, F.S.)	10/28/2021, Vol. 47/210. Proposed rule published 9/16/2022, Vol. 48/181.	
65C-28.024	2021-169 (39.4024, F.S.)	10/28/2021, Vol. 47/210. Proposed rule published 9/16/2022, Vol. 48/181.	
65C-30.023	2021-169 (39.4024, F.S.)	10/28/2021, Vol. 47/210. Proposed rule published 9/16/2022, Vol. 48/181.	
65C-30.023	2021-169 (39.522, F.S.)	10/28/2021, Vol. 47/210. Proposed rule published 9/16/2022, Vol. 48/181.	
65C-30.023	2021-169 (39.523, F.S.)	10/28/2021, Vol. 47/210. Proposed rule published 9/16/2022, Vol. 48/181.	
65C-28.009	2021-169 (39.6035, F.S.)	10/28/2021, Vol. 47/210.	

<b>Rule Number</b>	<b>Law</b>	<b>Notice of Rule Development Citation</b>	<b>If the Agency determined that rulemaking is unnecessary, explanation of reason why the law may be implemented without rulemaking.</b>
N/A	2021-169 (39.8155, F.S.)		Upon further review, rulemaking is not necessary to implement this law as the statute is clear and the Department refrains from creating rules to restate statute. The intent behind rulemaking has been effectuated through implementation of rules.
65C-28.009	2021-169 (409.14515, F.S.)	10/28/2021, Vol. 47/210.	
N/A	2021-170 (39.4085, F.S.)		Upon further review, rulemaking is not necessary to implement this law. The Department updated the Youth in Foster Care: Expectations brochure and the Youth in Foster Care: Rights and Expectations brochure to include the Bill of Rights.
65C-45.015	2021-170 (409.175, F.S.)	9/8/21, Vol. 47/174. Rule effective 9/14/22.	
65E-5.280	2021-176 (394.463, F.S.)	10/14/2021, Vol. 47/200.	Upon further review, the Baker Act Cover Sheet form that is currently incorporated in rule captures the data required, so rulemaking is not necessary to implement this law.
65D-30.0038	2021-128 (397.415, F.S.)		Upon further review, rulemaking is not necessary to implement this law as the statute is clear and the Department refrains from amending rules to restate statute.
65D-30.0038	2021-128 (397.4873, F.S.)		Upon further review, rulemaking is not necessary to implement this law as the statute is clear and the Department refrains from amending rules to restate statute.

**PART FOUR**  
**OTHER UPDATES TO PRIOR YEAR'S PLAN**

Part Four of the plan includes any desired update to the prior year's regulatory plan or supplement published.

Rules where Rulemaking was not initiated prior to July 1, 2022.

Rule Number
65A-1.703, .712, .730
65A-4.201, .203, .207, .208, .209, .210, .2131, .214, .215, .216, .220
65C-45.002, .003, .015
65D-30.001, .002, .0031, .0036, .0037, .0038, .004, .0046, .013, .0141, .0143
65E-4.016

Rule Number
65E-5.100, .120, .1303, .1703, .260, .2601, .280, .2801, .350, .351, .352, .353, .354, .355, .356, .357, .358
65E-9.002, .005, .006, .007, .008, .011, .014

**PART FIVE**  
**CERTIFICATION PURSUANT TO §120.74(1)(d)**

I, Shevaun Harris, Secretary, hereby certify that I have reviewed the Department's annual regulatory plan and that all agency rules have been reviewed as of July 2022, to determine if the rules remain consistent with the Department's rulemaking authority and laws implemented.

Signature:   
Shevaun Harris, Secretary

Date: 09/21, 2022

I, Andrew McGinley, General Counsel, hereby certify that I have reviewed the Department's annual regulatory plan and that all agency rules have been reviewed as of July 2022, to determine if the rules remain consistent with the Department's rulemaking authority and laws implemented.

Signature:   
Andrew McGinley, General Counsel

Date: 09/21, 2022