



FLORIDA
DEPARTMENT of
CORRECTIONS

Governor

RICK SCOTT

Secretary

JULIE L. JONES

501 South Calhoun Street, Tallahassee, FL 32399-2500

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September 26, 2016

Kenneth J. Plante, Coordinator
Joint Administrative Procedures Committee
680 Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-1400

Re: 2016-2017 Regulatory Plan

Dear Mr. Plante:

In accordance with section 120.74(2)(a)2., Florida Statutes, the Florida Department of Corrections hereby delivers the enclosed 2016-2017 Regulatory Plan to the Joint Administrative Procedures Committee. The certification required to be provided to your Committee appears on page 8 of the Department's Regulatory Plan.

Sincerely,

Julie L. Jones
Secretary

Enclosure



Department of Corrections

2016-2017 Regulatory Plan

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Part 1 (pursuant to section 120.74(1)(a), Florida Statutes)

This Part fulfills the requirements of section 120.74(1)(a), Florida Statutes, according to which the Department must provide a list of laws that meet the criteria there set forth. In some instances, two or more such laws were amended or created by a common piece of legislation. In those instances, such laws are listed together.

1. Sections 115.01 and 250.482, Florida Statutes

- Rulemaking does not appear to be necessary to implement these laws. The laws appear to be sufficiently clear and detailed that any rules implementing them would be unnecessary and perhaps duplicative of the laws.

2. Section 119.0701, Florida Statutes

- Rulemaking does not appear to be necessary to implement this law. The law appears to be sufficiently clear and detailed that any rules implementing it would be unnecessary and perhaps duplicative of the law.

3. 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 that any rules implementing it would be unnecessary and perhaps duplicative of the law.

4. Sections 119.071 and 281.301, Florida Statutes

- Rulemaking does not appear to be necessary to implement these laws. The laws appear to be sufficiently clear and detailed that any rules implementing them would be unnecessary and perhaps duplicative of the laws.

5. Sections 121.71 and 121.74, Florida Statutes

- Rulemaking does not appear to be necessary to implement these laws. The laws appear to be sufficiently clear and detailed that any rules implementing them would be unnecessary and perhaps duplicative of the laws.

6. Sections 215.18 and 216.262, Florida Statutes

- Rulemaking does not appear to be necessary to implement these laws. The laws appear to be sufficiently clear and detailed that any rules implementing them would be unnecessary and perhaps duplicative of the laws.

7. Sections 215.4725 and 287.135, Florida Statutes

- Rulemaking does not appear to be necessary to implement these laws. The laws appear to be sufficiently clear and detailed that any rules implementing them would be unnecessary and perhaps duplicative of the laws.

8. Sections 253.025, 253.034, 253.0341, and 944.10, Florida Statutes

- Rulemaking does not appear to be necessary to implement sections 253.025, 253.034, and 253.041, Florida Statutes. These laws appear to be sufficiently clear and detailed that any rules implementing them would be unnecessary and perhaps duplicative of the laws. The Department already has rules implementing section 944.10, Florida Statutes, and such rules need not be amended on account of the recent amendment to section 944.10, Florida Statutes.

9. Section 282.318, Florida Statutes

- Rulemaking does not appear to be necessary to implement this law. The law appears to be sufficiently clear and detailed that any rules implementing it would be unnecessary and perhaps duplicative of the law.

10. Section 295.07, Florida Statutes

- Rulemaking does not appear to be necessary to implement this law. The law appears to be sufficiently clear and detailed that any rules implementing it would be unnecessary and perhaps duplicative of the law.

11. Sections 322.34, 932.703, 932.704, 932.7055, 932.7061, and 932.7062, Florida Statutes

- Rulemaking does not appear to be necessary to implement these laws. The laws appear to be sufficiently clear and detailed that any rules implementing them would be unnecessary and perhaps duplicative of the laws.

12. Section 394.47892, Florida Statutes

- Rulemaking does not appear to be necessary to implement this law. The law appear to be sufficiently clear and detailed that any rules implementing it would be unnecessary and perhaps duplicative of the laws.

13. Section 397.451, Florida Statutes

- Rulemaking does not appear to be necessary to implement this law. The law appears to be sufficiently clear and detailed that any rules implementing it would be unnecessary and perhaps duplicative of the law.

14. Section 403.7046, Florida Statutes

- Rulemaking does not appear to be necessary to implement this law. The law appears to be sufficiently clear and detailed that any rules implementing it would be unnecessary and perhaps duplicative of the law.

15. Section 406.136, Florida Statutes

- Rulemaking does not appear to be necessary to implement this law. The law appears to be sufficiently clear and detailed that any rules implementing it would be unnecessary and perhaps duplicative of the law.

16. Sections 775.21 and 943.0435, Florida Statutes

- Rulemaking does not appear to be necessary to implement these laws. The laws appear to be sufficiently clear and detailed that any rules implementing them would be unnecessary and perhaps duplicative of the laws.

17. Sections 838.005, 838.016, 838.022, 838.22, Florida Statutes

- Rulemaking does not appear to be necessary to implement these laws. The laws appear to be sufficiently clear and detailed that any rules implementing them would be unnecessary and perhaps duplicative of the laws.

18. Sections 943.053 and 985.04, Florida Statutes

- Rulemaking does not appear to be necessary to implement these laws. The laws appear to be sufficiently clear and detailed that any rules implementing them would be unnecessary and perhaps duplicative of the laws.

19. Section 943.326, Florida Statutes

- Rulemaking does not appear to be necessary to implement this law. The law appears to be sufficiently clear and detailed that any rules implementing it would be unnecessary and perhaps duplicative of the law.

20. Section 948.11, Florida Statutes

- Rulemaking does not appear to be necessary to implement this law. The law appears to be sufficiently clear and detailed that any rules implementing it would be unnecessary and perhaps duplicative of the law.

21. Chapter 2016-66, Laws of Florida

- Rulemaking does not appear to be necessary to implement this law. The law appears to be sufficiently clear and detailed that any rules implementing it would be unnecessary and perhaps duplicative of the law.

Part 2 (s. 120.74(1)(b), Florida Statutes)

This Part fulfills the requirements of section 120.74(1)(b), Florida Statutes, according to which the Department must list laws that meet the criteria there set forth. The below list often includes several laws grouped together where those laws would be implemented by a common rulemaking initiative, such as the amendment of a single rule, amendment of multiple rules within a single Chapter of the Florida Administrative Code ("F.A.C."), or amendment of rules that appear in different chapters of the F.A.C. from one another but are nonetheless related in some other important sense. Also, some of the laws listed below are listed more than once because they are implemented by more than one Department rule.

1. Sections 17.61, 20.315(12), 57.085, 717.113, 944.09, 944.516, 945.091, and 945.215, Florida Statutes
 - The Department expects to implement these laws by amending Rule 33-203.201, F.A.C., in order to clarify this Rule.
2. Sections 20.315, 316.003, 316.072, 316.2397, 406.50, 406.53, 944.09, 944.34, 944.43, 944.44, 944.45, 944.47, 944.472, and 944.473, Florida Statutes
 - The Department expects to implement these laws by amending Rules 33-602.101, 33-602.112, 33-602.204, 33-602.206, 33-602.221, and 33-602.701, F.A.C., in order to clarify these Rules.
3. Sections 20.315, 790.06, and 944.35, Florida Statutes
 - The Department expects to implement these laws by amending Rules 33-302.104 and 33-302.105, F.A.C., in order to clarify these Rules.
4. Sections 20.315, 944.09, and 944.11, Florida Statutes
 - The Department expects to implement these laws by amending Rules 33-501.301 and 33-501.401, F.A.C., in order to clarify these Rules and to delete an obsolete provision.

5. Sections 20.315, 944.09, 944.10, and 945.025, Florida Statutes
 - The Department expects to implement these laws by amending Rules 33-602.800, 33-602.802, 33-602.803, 33-602.805, 33-602.806, 33-602.807, 33-602.808, and 33-602.809, F.A.C., in order to clarify these Rules. If the Department determines that any of these Rules are obsolete, unnecessary, or redundant, it may implement the laws listed by deleting such rules.
6. Sections 20.315, 944.291, 944.611, 944.613, 944.701-708, and 944.7065, Florida Statutes
 - The Department expects to implement these laws by amending Rule 33-601.504, F.A.C., in order to simplify and clarify this Rule.
7. Sections 90.505, 944.09, 944.11, and 944.803, Florida Statutes
 - The Department expects to implement these laws by amending Rules 33-503.001 and 33-503.002, F.A.C., in order to clarify these Rules and increase efficiency.
8. Sections 397.754, 944.09, and 944.473, Florida Statutes
 - The Department expects to implement these laws by amending Rules 33-507.002 and 33-507.201, F.A.C., in order to simplify and clarify these Rules.
9. Sections 776.012, 776.06, 776.07, 843.04, 944.02, 944.09, 944.241, 944.35, and 957.05, Florida Statutes
 - The Department expects to implement these laws by amending Rules 33-602.210, 33-602.211, and 33-602.212, F.A.C., in order to clarify these Rules.
10. Sections 921.187, 944.026, 948.03, and 958.04, Florida Statutes
 - The Department expects to implement these laws by amending Rule 33-504.101, F.A.C., in order to clarify this Rule.
11. Section 944.09, Florida Statutes
 - The Department expects to implement this law by amending Rules 33-103.005, 33-103.006, 33-103.006, 33-103.007, 33-103.008, 33-103.011, and 33-103.014, F.A.C., in order to clarify these Rules.
12. Section 944.09, Florida Statutes
 - The Department expects to implement this law by amending Rule 33-302.110, F.A.C., in order to simplify and clarify this Rule, and to increase efficiency.

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

- The Department expects to implement these laws by amending Rules 33-404.103, and 33-404.108, F.A.C., in order to clarify these Rules.

14. Sections 944.09, 944.275, 944.28, 944.281, and 944.801(3)(i)5., Florida Statutes

- The Department expects to implement these laws by amending Rules 33-601.101, and 33-601.105, F.A.C., in order to clarify these Rules.

15. Section 944.09, Florida Statutes

- The Department expects to implement these laws by amending Rule 33-210.201, F.A.C., in order to clarify this Rule.

16. Section 944.282, Florida Statutes

- The Department expects to implement these laws by amending Rule 33-502.101, F.A.C., to clarify this Rule.

Part 3 (s. 120.74(1)(c), Florida Statutes)

Section 120.74(1)(c), Florida Statutes, states as follows:

(c) The [annual regulatory] plan must include any desired update to the prior year's regulatory plan or supplement published pursuant to subsection (7). If, in a prior year, a law was identified under this paragraph or under subparagraph (a)1. as a law requiring rulemaking to implement but a notice of proposed rule has not been published:

- 1. The agency shall identify and again list such law, noting the applicable notice of rule development by citation to the Florida Administrative Register; or*
- 2. If the agency has subsequently determined that rulemaking is not necessary to implement the law, the agency shall identify such law, reference the citation to the applicable notice of rule development in the Florida Administrative Register, and provide a concise written explanation of the reason why the law may be implemented without rulemaking.*

Pursuant to the first sentence of the above-quoted provision, the Department includes the following update to its 2015-2016 Regulatory Plan. Item 15 in Part 2 of this year's Regulatory Plan was included in Part 2 of last year's Regulatory Plan, but is not expected to be complete until November, 2016. One item that appeared in Part 2 of last year's Regulatory Plan—an amendment to 33-302.115, F.A.C., implementing sections 20.315 and 944.09, Florida Statutes—was not completed and the Department does not currently expect to pursue such rulemaking. Last year's Regulatory Plan indicated that the Department expected to amend Rule 33-602.210, F.A.C. The Department did not complete

that rulemaking, but expects to do so between October 1, 2016 and July 1, 2017. Rules 33-602.211 and 33-602.212, F.A.C., are expected to be amended along with Rule 33-602.210, F.A.C., as indicated in Item 9 of Part 2 of this year's Regulatory Plan. The other items listed in Part 2 of last year's Regulatory Plan are complete.

In Part 3 of last year's Regulatory Plan, the Department indicated that it expected to undergo rulemaking regarding three rules: 33-302.108, 33-602.210, and 33-602.2035, F.A.C. Rulemaking regarding Rule 33-302.108, F.A.C., is complete, and rulemaking regarding Rule 33-602.210, F.A.C., is expected to be completed between October 1, 2016, and July 1, 2017, as listed above in Part 2. The amendment to Rule 33-602.2035, F.A.C., was not completed, and the Department does not expect to complete an amendment to Rule 33-602.2035, F.A.C., between October 1, 2016, and July 1, 2017.

The Department's 2015-2016 Regulatory Plan did not list any laws pursuant to subparagraph 120.74(1)(a)1., Florida Statutes, that required rulemaking, nor did it list any laws pursuant to paragraph 120.74(1)(c), Florida Statutes. Therefore, the Department has no update as to any such law, as would be required by the second sentence of paragraph 120.74(1)(c), Florida Statutes, if the Department had listed any such law.

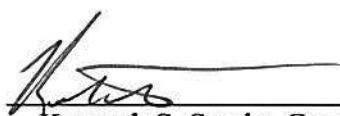
Certification

We, the undersigned persons, hereby certify on behalf of the Department of Corrections (the "agency") that we have reviewed the plan and that the agency regularly reviews all of its rules, and that all of the agency's rules were most recently reviewed to determine if the rules remain consistent with the agency's rulemaking authority and the laws implemented between August 5 and September 20, 2016.



Julie L. Jones, Secretary

9/26/16
Date



Kenneth S. Steely, General Counsel

9/20/16
Date