



**REGULATORY PLAN
ANNUAL REPORT 2020**

DEPARTMENT OF CHILDREN AND FAMILIES
OFFICE OF THE GENERAL COUNSEL

Chad Poppell
Secretary

Ron DeSantis
Governor

TABLE OF CONTENTS

Certification by Secretary and General Counsel.....	3
Executive Summary.....	4
Laws Creating or Modifying Department Duties or Authority.....	5
Listing of Upcoming Rulemaking Expected to Commence Before July 2019.....	6
Update to 2019 Regulatory Plan.....	199
Rulemaking Not Initiated by July 1, 2020 for Laws Previously Reported on 2019 Regulatory Plan.....	199



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

Ron DeSantis
Governor

Chad Poppell
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 2020.

The Department regularly reviews all of its rules and most recently completed a review of its rules as of August 2020, to determine if they remain consistent with the Department's rulemaking authority and the laws implemented.



Chad Poppell, Secretary

8-6-2020
Date



Javier Enriquez, General Counsel

7/16/2020
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 ten new or amended laws enacted in the 2020 Legislative Session that create or modify the Department's duties or authority. Of these, seven require the Department to implement the law by rulemaking and one must otherwise be implemented by rulemaking.

This report also identifies multiple other laws expected to be implemented by rulemaking before July 2021, primarily through amendments of existing rules. In addition, numerous 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, 2020.

THE FOLLOWING LAWS ENACTED OR AMENDED DURING THE PREVIOUS 12 MONTHS CREATE OR MODIFY THE DUTIES OR AUTHORITY OF THE DEPARTMENT
REPORTING PERIOD: September 2019 through August 2020
2020 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	
39.903	Yes		3/16/2020	3/17/2020	
39.904	Yes		3/16/2020	3/17/2020	
39.905	Yes		3/16/2020	3/17/2020	
39.9055	Yes		3/16/2020	3/17/2020	
63.093	Yes		Expected 9/1/2020		
394.493	No	No			The statute can be implemented under existing Department rules.
397.4073	No	Yes	10/30/19	6/17/20	
409.1415(3)	Yes		Expected 9/1/2020		
409.175(6)	Yes		Expected 9/1/2020		
420.622	No	No			The Office of Economic Self-Sufficiency is not required to implement a rule and has been operating under the revised language, including federal updates.

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2021			
Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
65A-2.036	409.212	Amendment	The rulemaking is necessary to clarify information already existing in the rule. The OSS provider rate increases annually with the Cost of Living Adjustment (COLA). This rule was last amended 06/11/2020.
65A-1.716	409.902, 409.903, 409.904, 409.906, 409.919	Amendment	This rulemaking is necessary to implement parts of the Medicaid State Plan and various provisions of federal statutes and regulations that govern the Medicaid Program. This rulemaking is necessary to clarify the income standard changes from the information issued in the Federal Poverty Level (FPL) updates. This rule was last amended 02/26/20.
65A-1.603	414.45	Amendment	The Department is amending the rule text to change the standard amount of the Standard Utility Allowance (SUA), Basic Utility Allowance (BUA) and Telephone Standard in the SNAP Program. This rule is updated annually and last amended 12/03/19.
65A-4.201	414.45, 414.105, 414.14	Amendment	The rulemaking for Temporary Cash Assistance Program (TCA) is necessary to clarify the criteria for hardship extensions and exemptions cash assistance time limits information already existing in the rule. This rule was last amended 08/12/12.
65A-4.203	414.45, 414.065	Amendment	The rulemaking for TCA is necessary to clarify information already existing in the rule. This rule was last amended 09/21/09.
65A-4.207	414.095, 414.45, 414.0252	Amendment	The rulemaking for TCA is necessary to clarify information already existing in the rule. This change updates definition with State requirements. This rule was last amended 09/06/09.

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2021			
Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
65A-4.208	414.095, 414.45	Amendment	The rulemaking for TCA is necessary to clarify information already existing in the rule. This rule was last amended on 09/16/08.
65A-4.209	414.085, 414.095, 414.45	Amendment	The rulemaking for TCA is necessary to clarify information already existing in the rule. This rule was last amended on 09/06/09.
65A-4.210	414.45, 414.085, 414.95	Amendment	The rulemaking for TCA is necessary to clarify information already existing in the rule. This rule was last amended on 05/17/07.
65A-4.2131	414.45, 414.1251	Amendment	The rulemaking for TCA is necessary to clarify information already existing in the rule. This rule was last amended on 09/16/08
65A-4.214	414.45, 414.115	Amendment	The rulemaking for TCA is necessary to clarify information already existing in the rule. This rule was last amended on 03/09/03.
65A-4.215	414.045, 414.095	Amendment	The rulemaking for TCA is necessary to clarify information already existing in the rule. This rule was last amended on 09/19/04.
65A-4.216	414.45, 414.13	Amendment	The rulemaking for TCA is necessary to clarify information already existing in the rule. This rule was last amended on 10/11/99.
65A-1.203	409.919, 414.095, 414.45	Amendment	The rulemaking for all programs is necessary to align the information already existing in the rule 65A.1.701. This rule was last amended on 09/18/13.
65A-1.301	409.919, 414.45	Amendment	The rulemaking for all programs is necessary to clarify information already existing in the rule This rule was last amended on 06/26/08.
65A-1.303	409.919, 414.45	Amendment	The rulemaking for all programs is necessary to clarify information already existing in the rule This rule was last amended on 05/20/10.

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2021		
Rule Number	Statute Implemented	Adoption/Amendment/ Repeal
65A-1.605	414.45	Amendment
65A-1.711	409.902, 409.903, 409.904, 409.906, 409.919	Amendment
65A-1.715	409.904, 409.919	Amendment
65A-1.730	409.818	Amendment
65C-14.001	409.175	Amendment
65C-14.003	409.175	Amendment
65C-14.006	409.175	Amendment
65C-14.007	409.175	Amendment
65C-14.010	409.175	Amendment
65C-14.014	409.175	Amendment
65C-14.017	409.175	Amendment
65C-14.018	409.175	Amendment

Effect of Rulemaking

The rulemaking for the Supplemental Nutrition Assistance Program (SNAP) is necessary to clarify information already existing in the rule This rule was last amended on 03/27/03.

The rulemaking for the Medicaid Program is necessary to clarify information already existing in the rule This rule was last amended on 09/16/08.

The rulemaking for the Medicaid Program is necessary to clarify information already existing in the rule This rule was last amended on 10/08/97.

The rulemaking for the Florida Kidcare Program, administered by The Agency for Healthcare Administration (AHCA) is necessary to clarify information already existing in the rule This rule was last amended on 04/05/99.

Revise to align with the Family First Prevention Services Act (FFPSA) and federal requirements.

Revise to align with FFPSA and federal requirements.

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Revise to align with FFPSA and federal requirements.

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2021			Effect of Rulemaking
Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	
65C-14.021	409.175	Amendment	Revise to align with FFPSA and federal requirements.
65C-14.022	409.175	Amendment	Revise to align with FFPSA and federal requirements.
65C-14.023	409.145, 409.175, 435.05	Amendment	Revise to align with FFPSA and federal requirements.
65C-14.040	409.175	Amendment	Revise to align with FFPSA and federal requirements.
65C-14.048	409.175	Amendment	Revise to align with FFPSA and federal requirements.
65C-14.116	409.175	Amendment	Revise to align with FFPSA and federal requirements.
65C-14.117	409.175	Amendment	Revise to align with FFPSA and federal requirements.
65C-14.118	409.175, 409.441	Amendment	Revise to align with FFPSA and federal requirements.
65C-14.119	409.1678	Amendment	Revise to align with FFPSA and federal requirements.
65C-14.120	409.1678	Amendment	Revise to align with FFPSA and federal requirements.
65C-15.001	409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.
65C-15.002	63, 409.175, 409.165	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.
65C-15.003	409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.
65C-15.004	409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.
65C-15.005	409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.
65C-15.006	409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2021			
Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
65C-15.010	409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.
65C-15.011	409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.
65C-15.012	409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.
65C-15.013	409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.
65C-15.014	409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.
65C-15.015	409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.
65C-15.016	409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.
65C-15.017	409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.
65C-15.018	409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.
65C-15.019	409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.
65C-15.021	409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.
65C-15.026	409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.
65C-15.027	409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.
65C-15.028	39.0138, 63.092, 409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.
65C-15.029	409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.
65C-15.031	409.175	Amendment	Revise to simplify, clarify, and improve coordination with other agencies.

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2021		
Rule Number	Statute Implemented	Adoption/Amendment/ Repeal
65C-15.032	409.175	Amendment
65C-15.034	409.175	Amendment
65C-15.035	409.175	Amendment
65C-15.036	409.175	Amendment
65C-15.037	409.401, 409.175	Amendment
65C-16.005	39.0138, 63.042, 63.092, 63.207	Amendment
65C-16.009	39.521, 63.092	Amendment
65C-16.0013	409.167	Amendment
65C-16.0131	409.167	Amendment
65C-16.021	409.1666	Amendment
65C-17.002	402.17	Amendment
65C-17.003	402.17	Amendment
65C-17.004	402.17	Amendment
65C-17.005	402.17	Amendment
65C-17.006	402.17	Amendment

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2021		
Rule Number	Statute Implemented	Adoption/Amendment/ Repeal
65C-20.008	402.313, 402.3131	Amendment
65C-20.012	402.313, 402.3131	Amendment
65C-22.001	402.305	Amendment
65C-22.008	402.305	Amendment
65C-22.010	402.305	Amendment
65C-28.021	409.175	Create
65C-30.006	39.6011	Amendment
65C-41.003	39.6251	Amendment
65C-45.001	39.0121, 39.0138, 409.175, 435.04, 435.05	Amendment
65C-45.002	409.175	Amendment
65C-45.003	409.145, 409.175, 435.04	Amendment
65C-45.004	409.145, 409.175, 435.04	Amendment
65C-45.005	409.145, 409.175	Amendment
65C-45.006	409.175	Amendment
65C-45.007	409.1678, 409.175	Amendment

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2021		
Rule Number	Statute Implemented	Adoption/Amendment/ Repeal
65C-45.008	409.175	Amendment
65C-45.009	409.175	Amendment
65C-45.010	409.145, 409.175	Amendment
65C-45.011	409.145, 409.175	Amendment
65C-45.012	409.145, 409.175	Amendment
65C-45.0121	409.145, 409.175	Amendment
65C-45.0122	409.145, 409.175	Amendment
65C-45.0123	409.145, 409.175	Amendment
65C-45.013	409.145, 409.175	Amendment
65C-45.014	409.175	Amendment
65C-45.015	409.175	Amendment
65C-45.016	39.4091, 409.175	Amendment
65C-45.017	409.175	Amendment
65C-45.018	409.175	Amendment
65E-4.015	394.457, 394.4573, 394.4574, 394.67	Adoption

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2021		
Rule Number	Statute Implemented	Adoption/Amendment/ Repeal
65E-5.100	394.455, 394.457, 394.4655	Amendment
65E-5.110	394, 394.457, 394.4655	Repeal
65E-5.120	394.457	Amendment
65E-5.130	394.4573	Repeal
65E-5.1301	394.455, 394.461	Repeal
65E-5.1302	394.4573	Repeal
65E-5.1303	394.4573, 394.459, 394.460	Repeal
65E-5.140	394.459, 394.4655	Repeal
65E-5.150	394.459	Repeal
65E-5.160	394.459, 394.4655, 394.467	Repeal
65E-5.1601	394.459	Repeal
65E-5.1602	394.459	Repeal
65E-5.170	394.455, 394.459, 394.4625, 394.4655, 458.325, 765.401	Repeal
65E-5.1703	394.459, 394.4598, 394.463, 494.46715	Repeal
65E-5.180	394.457, 394.459, 394.879, 401.445	Repeal
65E-5.1802	394.459	Repeal
65E-5.190	394.459	Repeal

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2021			
Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
65E-5.200	394.459	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.210	394.459	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.220	394.459	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.230	394.4598, 394.4598	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.2301	394.4598, 765.204	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.250	394.4615, 394.4615	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.260	394.462, 394.463	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.2601	394.462	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.270	394.4599, 394.4625, 400.102	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.280	394.463	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.2801	394.463, 394.4655, 395	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.285	394.455, 394.455, 394.4599, 394.463, 394.4655, 394.4655, 397.675	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.290	394.463, 394.467, 397.675	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.300	394.463, 394.467	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.310	394.4599, 394.4685	Repeal	Delete obsolete, unnecessary, or redundant rules

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2021			
Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
65E-5.320	394.463, 394.469	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.330	394.457, 394.459, 415 FS.	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.350	394, Part I, IV, 394.455, 394.461, 394.461, 394.462, 395, 415, 458, 817	Amendment	Clarify
65E-5.351	394.461	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.352	394.461	Amendment	Clarify
65E-5.353	394, 394.455, 394.461, 395, 415, 458.331, 817.505	Amendment	Clarify
65E-5.354	394.457, 394.461	Adoption	Clarify
65E-5.355	394.457, 394.459	Adoption	Clarify
65E-5.356	394.461	Adoption	Improve coordination with other agencies
65E-5.357	394.461	Adoption	Improve coordination with other agencies
65E-5.358	394.462, 394.463	Adoption	Improve coordination with other agencies
65E-5.400	316, 394, Part I, 394.455, 394.4615, 394.462, 394.4625, 394.463, 395	Amendment	Clarify
65E-5.601	394.457, 394.459	Repeal	Delete obsolete, unnecessary, or redundant rules
65E-5.700	394.4599, 394.4625, 400, 400.102	Adoption	Clarify
65E-5.710	394.463	Adoption	Clarify

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2021			
Rule Number	Statute Implemented	Adoption/Amendment/ Repeal	Effect of Rulemaking
65E-5.720	394, 394.463, 394.4655, 395	Adoption	Clarify
65E-5.730	394.459, 394.461, 394.467	Adoption	Simplify
65E-5.740	394.4573	Adoption	Improve coordination with other agencies
65E-5.750	394.455, 394.461	Adoption	Improve coordination with other agencies
65E-5.760	394.4573	Adoption	Improve coordination with other agencies
65E-5.770	394, Part I, 394.455, 394.459, 394.4625, 394.4655, 458.325, 765.401	Adoption	Clarify
65E-5.780	394.459, 394.4598, 394.463, 494.46715	Adoption	Clarify
65E-5.790	394.4598, 765, Parts I, IV, 765.204	Adoption	Clarify
65E-5.7901	394.4598	Adoption	Clarify
65E-5.800	394.457, 394.459, 394.879, 401.445	Adoption	Improve coordination with other agencies
65E-5.810	394.4599, 394.4685	Adoption	Clarify
65E-5.820	394.455, 394.4599, 394.463, 394.4655, 397.675	Adoption	Improve coordination with other agencies
65E-5.830	394.463, 394.467, 397.675	Adoption	Clarify
65E-5.8301	394.463, 394.467	Adoption	Clarify
65E-5.840	394.4573, 394.459, 394.460	Adoption	Improve coordination with other agencies
65E-5.8401	394.463, 394.469	Adoption	Improve coordination with other agencies
65E-9.001	394.875	Amendment	Clarify

Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2021		
Rule Number	Statute Implemented	Adoption/Amendment/ Repeal
65E-9.002	394.875	Amendment
65E-9.003	394.875	Amendment
65E-9.004	394.875	Amendment
65E-9.005	394.875	Amendment
65E-9.006	394.875	Amendment
65E-9.007	394.875	Amendment
65E-9.008	394.875	Amendment
65E-9.009	394.875	Amendment
65E-9.010	394.875	Amendment
65E-9.011	394.875	Amendment
65E-9.012	394.875	Amendment
65E-9.013	394.875	Amendment
65E-9.014	394.875	Amendment
65E-14.003	394.74, 397.481	Amendment
65E-14.010	273.055, 394.74, 394.78	Amendment
65E-14.020	394.74, 394.78, 394.9082, 397.321	Amendment
65E-14.021	394.74, 394.77, 394.78, 394.9082, 397.321, 402.73	Amendment

UPDATE TO 2019 REGULATORY PLAN

Rulemaking was not initiated prior to July 1, 2020 for the following rules:

65C-14.001, .003, .006-.007, .010, .014, .017-.018, .021-.023, .040, .048, and .116-.118, F.A.C.
(proposed revisions currently under review by the U. S. Department of Health and Human Services)

65C-15.016, and .034, F.A.C.

65E-4.015, F.A.C.

Rule chapters 65E-5 and 65E-9, F.A.C.

65E-14.021, F.A.C.

**RULEMAKING NOT INITIATED BY JULY 1, 2020 FOR LAWS PREVIOUSLY REPORTED AS
REQUIRED ON THE 2019 REGULATORY PLAN**

None