

**DEPARTMENT OF CHILDREN AND FAMILIES**  
**Statement Of Estimated Regulatory Costs (SERC)**

Division: Office of Child & Family Wellbeing

Board:

Rule Number: 65C-16.013 and 65C-16.0131

Rule Description: Determination of maintenance adoption subsidy and determination of extension of maintenance subsidy payments.

Contact Person: Valerie Proctor

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**Please remember to analyze the impact of the rule, NOT the statute, when completing this form.**

A. Is the rule likely to, **directly or indirectly**, have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?

- |  |                              |  |
|--|------------------------------|--|
| 1. Is the rule likely to reduce personal income?           | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Is the rule likely to reduce total non-farm employment? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Is the rule likely to reduce private housing starts?    | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Is the rule likely to reduce visitors to Florida?       | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Is the rule likely to reduce wages or salaries?         | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 6. Is the rule likely to reduce property income?           | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

**Explanation:**

The Department amended 65C-16.013 and 65C-16.0131 F.A.C. to add provisions for termination of the maintenance adoption subsidy/extension of maintenance adoption subsidy. The amendments include the following: (1) allows termination of the maintenance adoption subsidy/extension of maintenance adoption subsidy when an eligibility determination is made erroneously; (2) allows termination of the extension of maintenance adoption subsidy when the young adult elects to no longer participate in the program; and (3) identifies where documentation should be captured.

The Department has determined that these rules would not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule.

The eligibility criteria for the adoption maintenance subsidy are set forth in existing law. If an individual does not meet the criteria, they are not entitled to the adoption maintenance subsidy as a matter of law. Any loss of the adoption maintenance subsidy would be by virtue of existing law being applied.

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The Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification.

The Department received what was identified to be a lower cost regulatory alternative (LCRA) in a comment received on August 16, 2022. The identified LCRA does not actually offer a lower regulatory cost. There are no costs attributed to these rule changes. If anything, they ensure consistency with existing law.

Pursuant to Section 120.541(1):

Upon submission of the lower cost regulatory alternative, the agency shall prepare a statement of estimated regulatory costs as provided by subsection (2), or shall revise its prior statement of estimated regulatory costs, and either adopt the alternative or provide a statement of the reasons for rejecting the alternative in favor of the proposed rule.

Since the Department did not prepare a SERC, the Department must do so and either adopt the alternative or provide the reasons for rejecting the alternative in favor of the proposed rule. Accordingly, the SERC must be formally prepared to reflect consideration of the identified lower cost regulatory alternative.

If any of these questions are answered “Yes,” presume that there is a likely and adverse impact in excess of \$1 million, and the rule must be submitted to the legislature for ratification.

B. Is the rule likely to, **directly or indirectly**, have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?

1. Is the rule likely to raise the price of goods or services provided by Florida business?

Yes       No

2. Is the rule likely to add regulation that is not present in other states or markets?

Yes       No

3. Is the rule likely to reduce the quantity of goods or services Florida businesses are able to produce, i.e. will goods or services become too expensive to produce?

Yes       No

4. Is the rule likely to cause Florida businesses to reduce workforces?

Yes       No

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5. Is the rule likely to increase regulatory costs to the extent that Florida businesses will be unable to invest in product development or other innovation?

Yes       No

6. Is the rule likely to make illegal any product or service that is currently legal?

Yes       No

Explanation: See explanation in A. above.

If any of these questions are answered “Yes,” presume that there is a likely and adverse impact in excess of \$1 million, and the rule must be submitted to the legislature for ratification.

C. Is the rule likely, **directly or indirectly**, to increase regulatory costs, including any transactional costs (see F below for examples of transactional costs), in excess of \$1 million in the aggregate within 5 years after the implementation of this rule?

1. Current one-time costs	0
2. New one-time costs	0
3. Subtract 1 from 2	0
4. Current recurring costs	0
5. New recurring costs	0
6. Subtract 4 from 5	0
7. Number of times costs will recur in 5 years	0
8. Multiply 6 times 7	0
9. Add 3 to 8	0

If 9. is greater than \$1 million, there is likely an increase of regulatory costs in excess of \$1 million, and the rule must be submitted to the legislature for ratification.

D. Good faith estimates (numbers/types):

1. The number of individuals and entities likely to be required to comply with the rule. *(Please provide a reasonable explanation for the estimate used for the number of individuals and methodology used for deriving the estimate).*

The rule does not impose compliance requirements.

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2. A general description of the types of individuals likely to be affected by the rule.

The types of individuals likely to be affected by the rule include those individuals who are ineligible for the maintenance adoption subsidies or young adults who elect to no longer participate in the program.

E. Good faith estimates (costs):

1. Cost to the department of implementing the proposed rule:

None. The department intends to implement the proposed rule within its current workload, with existing staff.

Minimal. *(Provide a brief explanation).*

Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

2. Cost to any other state and local government entities of implementing the proposed rule:

None. This proposed rule will only affect the department.

Minimal. *(Provide a brief explanation).*

Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

3. Cost to the department of enforcing the proposed rule:

None. The department intends to enforce the proposed rule within its current workload with existing staff.

Minimal. *(Provide a brief explanation).*

Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

4. Cost to any other state and local government of enforcing the proposed rule:

None. This proposed rule will only affect the department.

Minimal. *(Provide a brief explanation).*

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Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

F. Good faith estimates (transactional costs) likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the proposed rule. *(Includes filing fees, cost of obtaining a license, cost of equipment required to be installed or used, cost of implementing processes and procedures, cost of modifying existing processes and procedures, additional operating costs incurred, cost of monitoring, and cost of reporting, or any other costs necessary to comply with the rule).*

None. This proposed rule will only affect the department.

Minimal. *(Provide a brief explanation).*

Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

G. An analysis of the impact on small business as defined by s. 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by s. 120.52, F.S. *(Includes:*

- *Why the regulation is needed [e.g., How will the regulation make the regulatory process more efficient? Required to meet changes in federal law? Required to meet changes in state law?];*
- *The type of small businesses that would be subject to the rule;*
- *The probable impact on affected small businesses [e.g., increased reporting requirements; increased staffing; increased legal or accounting fees?];*
- *The likely per-firm regulatory cost increase, if any).*

A small business is defined in Section 288.703, F.S., as “...an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As applicable to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.”

A small county is defined in Section 120.52(19), F.S., as “any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.” And, a small city is defined in Section 120.52(18), F.S., as “any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census.”

The estimated number of small businesses that would be subject to the rule:

- 1-99                       100-499                       500-999  
 1,000-4,999               More than 5,000  
 Unknown, please explain:

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Analysis of the impact on small business:

There is no small county or small city that will be impacted by this proposed rule.

A small county or small city will be impacted. Analysis:

Lower impact alternatives were not implemented? Describe the alternatives and the basis for not implementing them.

H. Any additional information that the agency determines may be useful.

None.

Additional.

I. A description of any good faith written proposal for a lower cost regulatory alternative to the proposed rule which substantially accomplishes the objectives of the law being implemented and either a statement adopting the alternative or a statement of the reasons rejecting the alternative in favor of the proposed rule.

No good faith written proposals for a lower cost regulatory alternative to the proposed rule were received.

See attachment "A".

Adopted in entirety.

Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*

Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*

The lower cost regulatory alternative ("LCRA") provided by Mr. Mishael fails to provide an alternative which substantially accomplishes the objectives of the law being implemented as required by section 120.541(1)(a), Florida Statutes.

Adopting the identified LCRA would be contrary to existing law. An individual who does not meet the eligibility criteria is not entitled to the adoption maintenance subsidy.

Accordingly, this LCRA is rejected in its entirety.

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- See attachment "B".
  - Adopted in entirety.
  - Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*
  - Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*
- See attachment "C".
  - Adopted in entirety.
  - Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*
  - Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*
- See attachment "D".
  - Adopted in entirety.
  - Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*
  - Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*
- See attachment "E".
  - Adopted in entirety.
  - Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*
  - Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*

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