



# FLORIDA DEPARTMENT OF CORRECTIONS

## 2018-2019 REGULATORY PLAN

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## **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. Sections 943.082 and 943.687, 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.

### **2. Sections 921.0022, 943.082 and 943.687, 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.

### **3. Section 945.36, 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. Section 943.0583, 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.

### **5. Sections 943.10, 943.13 and 943.131, 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.

### **6. Sections 943.0585 and 943.059, 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. Section 944.801, 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.

#### **8. Section 943.0435, 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 943.13 and 948.03, 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. Sections 943.0311, 944.48 and 948.03, 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.

#### **11. Sections 921.0024, 943.0582, 943.687, 945.041, 985.12, 985.125, 985.145 and 985.126, 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.

#### **12. Section 921.0022, 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.

#### **13. Section 944.802, 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.

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## **Part 2 – Expected Implementation of Other Laws During Fiscal Year 2018-2019**

*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, 33-103.005, 33-103.006 and 33-103-007 of the *Florida Administrative Code* to improve the efficiency of these rules.

**2. Sections 381.0072 and 944.09, Florida Statutes**

- The Department expects to implement these laws by amending chapter 33-204 of the *Florida Administrative Code* to clarify and update this chapter.

**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. Section 944.09, Florida Statutes**

- The Department expects to implement this law by amending Rule 33-208.101 of the *Florida Administrative Code* to delete an obsolete portion of this rule.

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

- The Department expects to implement these laws by amending Rules 33-404.102, 33-404.103, 33-404.108 and 33-404.112 of the *Florida Administrative Code* to improve efficiency and to clarify these rules.

**6. Section 944.11, Florida Statutes**

- The Department expects to implement this law by amending Rule 33-501.401 of the *Florida Administrative Code* to improve efficiency and to clarify this rule.

**7. 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.

**8. Sections 944.09, 944.10(7), 946.002, 946.006(3), 946.40(1) and 946.511(1)(b), Florida Statutes**

- The Department expects to implement these laws by amending Rule 33-601.201 of the *Florida Administrative Code* to clarify this rule.

**9. 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.

**10. Sections 944.17, 944.801, 944.803 and 944.1905, Florida Statutes**

- The Department expects to implement these laws by adopting Rule 33-601.250 of the *Florida Administrative Code* to improve efficiency.

**11. Sections 20.315, 944.09, 944.34 and 945.04, Florida Statutes**

- The Department expects to implement these laws by amending Rule 33-601.304 of the *Florida Administrative Code* to improve efficiency and to clarify this rule.

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

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

**13. Sections 20.315, 944.09, 944.23, 944.47 and 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.

**14. Sections 944.09, 944.23, 944.47 and 944.8031, Florida Statutes**

- The Department expects to implement these laws by amending Rule 33-601.727 of the *Florida Administrative Code* to improve efficiency and to clarify this rule.

**15. Sections 944.09, 944.115, 944.23, 944.47 and 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.

**16. 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.

**17. Section 944.09, Florida Statutes**

- The Department expects to implement this law by amending Rule 33-601.820 of the *Florida Administrative Code* to improve efficiency and to clarify this rule.

**18. Section 944.09, Florida Statutes**

- The Department expects to implement this law by amending Rule 33-601.830 of the *Florida Administrative Code* to improve efficiency and to clarify this rule.

**19. Section 944.09, Florida Statutes**

- The Department expects to implement this law by amending Rule 33-602.201 of the *Florida Administrative Code* to clarify this rule.

**20. Sections 944.09, 944.472, and 944.473, Florida Statutes**

- The Department expects to implement these laws by amending Rule 33-602.2035 of the *Florida Administrative Code* to improve the efficiency of this rule.

**21. Sections 944.09, 944.34, 944.43, 944.44 and 944.45, Florida Statutes**

- The Department expects to implement these laws by amending Rule 33-602.206 of the *Florida Administrative Code* to clarify this rule.

**22. Sections 776.07, 943.1717, 944.09, 944.35, 945.025, 945.04 and 945.05, Florida Statutes**

- The Department expects to implement these laws by amending Rule 33-602.210 of the *Florida Administrative Code* to improve efficiency and to clarify this rule.

**23. Sections 20.315, 944.09, 944.34 and 945.04, Florida Statutes**

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

#### **24. Sections 944.14, 944.151 and 944.23, Florida Statutes**

- The Department expects to implement these laws by adopting Rule 33-602.900 of the *Florida Administrative Code* to improve efficiency.

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## **Part 3 – Updates to the Agency’s 2017-2018 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 2017-2018 Regulatory Plan were published. Updates to the 2017-2018 Department of Corrections Regulatory Plan are discussed below.*

### **Updates\* to Part 1 of the 2017-2018 Plan:**

#### **1. Sections 944.17, 944.275, 944.597 and 958.11, Florida Statutes**

- Rulemaking was necessary to implement these laws. Rule 33-603.201 of the *Florida Administrative Code* was adopted, effective July 15, 2018.

#### **2. Section 945.10, Florida Statutes**

- Rulemaking was necessary to implement this law. Rule 33-401.701 of the *Florida Administrative Code* was adopted, effective July 15, 2018, and Rule 33-601.901 of the *Florida Administrative Code* was adopted, effective September 5, 2018.

*\*Paragraphs 3, 4 and 5 of the 2017-2018 Plan require no updates.*

### **Updates to Part 2 of the 2017-2018 Plan:**

#### **1. Sections 944.09, 945.6034 and 945.6037, Florida Statutes**

- Rule 33-401.101: Implementation during 2017-2018 was temporarily postponed, but the rule is currently in rule language development.

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

- Rules 33-404.103 and 33-404.108: The agency published two Notices of Proposed Rulemaking on May 25, 2018. Adoption is pending and anticipated to occur on or about October 3, 2018.

#### **3. Sections 944.09, 766.103, and 945.6034, Florida Statutes**

- Rule 33-401.105: The agency published a Notice of Proposed Rulemaking, on November 3, 2017; however, on February 2, 2018, the agency withdrew the rule pending further clarifications.

**4. Sections 944.275, 944.281 and 944.801(3)(i)5, Florida Statutes**

- Rule 33-601.101: The agency published a Notice of Rule Development on November 3, 2017; however, on June 5, 2018, the agency withdrew the rule.

**5. Sections 945.04, 944.012(6)(b) and 944.14, Florida Statutes**

- Rule 33-601.308: Implementation during 2017-2018 was temporarily postponed, but the rule is currently in rule language development.

**6. Sections 944.115, 944.279, 944.28, 944.275, 944.281 and 944.14, Florida Statutes**

- Rule 33-601.314: Implementation during 2017-2018 was temporarily postponed, but the rule is currently in rule language development.

**7. Section 944.23, Florida Statutes**

- Rule 33-601.713: Implementation during 2017-2018 was temporarily postponed, but the rule is currently in rule language development.

**8. Sections 944.23, 944.8031, 944.14 and 944.1905, Florida Statutes**

- Rules 33-601.733 and 33-601.735: Implementation during 2017-2018 was temporarily postponed, but the rules are currently in rule language development.

**9. Sections 944.14 and 944.1905, Florida Statutes**

- Rule 33-601.800: Implementation during 2017-2018 was temporarily postponed, but the rule is currently in rule language development.

**10. Sections 944.09 and 945.215, Florida Statutes**

- Rule 33-602.101: The agency published a Notice of Rule Development on November 3, 2017. Adoption is pending and anticipated to occur on or about October 9, 2018.

**11. Section 944.09, Florida Statutes**

- Rules 33-602.205; 33-602.219; and 33-602.222: Implementation during 2017-2018 was temporarily postponed, but the rules are currently in rule language development.

**12. Sections 944.09 and 945.04, Florida Statutes**

- Rule 33-602.220: Implementation during 2017-2018 was temporarily postponed, but the rule is currently in rule language development.

**13. Section 944.09, Florida Statutes**

- Rule 33-603.201: The rule was adopted, effective July 15, 2018.

**14. Sections 20.315, 944.09, 790.001(8) and 944.14, Florida Statutes**

- Rule 33-208.001: Implementation during 2017-2018 was postponed so that the agency may re-evaluate whether rulemaking is necessary to implement the proposed changes.

**15. Sections 57.085, 944.09, 944.516, 945.091 and 944.215, Florida Statutes**

- Rule 33-203.201: Implementation during 2017-2018 was temporarily postponed, but the rule is currently in rule language development.

**16. Sections 119.071 and 120.53, Florida Statutes**

- Rule 33-102.101: Implementation during 2017-2018 was cancelled after it was subsequently determined that rulemaking was not necessary to implement the intended changes.

**17. Section 944.09, Florida Statutes**

- Rule 33-503.001: The rule was adopted, effective August 15, 2017. Note: this rule was erroneously listed as Rule 33-503.101 in the Department's 2017-2018 Annual Regulatory Plan.

**18. Sections 922.11, 944.09 and 944.23, Florida Statutes**

- Rules 33-104.101; 33-104.201; and 33-104.203: Implementation during 2017-2018 was temporarily postponed to further develop improved efficiency and to clarify and improve coordination with other agencies.

**19. Sections 20.315, 944.291, 944.701 - .708, 944.611, 944.613 and 944.7065, Florida Statutes**

- Rule 601.504: Implementation during 2017-2018 was temporarily postponed to further develop improved efficiency and to clarify and improve coordination with other agencies.

**20. Sections 945.091 and 946.002, Florida Statutes**

- Rule 33-601.602: Implementation during 2017-2018 was temporarily postponed, but the rule is currently in rule language development.

**21. Sections 944.09 and 945.091, Florida Statutes**

- Rule 33-302.116: The rule was adopted, effective November 12, 2017.

**22. Sections 944.11 and 944.292, Florida Statutes**

- Rule 33-501.301: The rule was adopted, effective March 1, 2018.

**Updates to Part 3 of the 2017-2018 Plan:**

**1. Sections 776.012, 776.06, 776.07, 843.04, 944.02, 944.09, 944.241, 944.35 and 957.05, Florida Statutes**

- Rules 33-602.210, 33-602.211 and 33-602.212 of the *Florida Administrative Code* were referenced in Part 3 of the 2017-2018 Regulatory Plan. The rules were adopted, effective January 10, 2018.

**2. Sections 944.09, Florida Statutes**

- Rules 33-103.005, 33-103.006, 33-103.007, 33-103.008, 33-103.011 and 33-103.014 of the *Florida Administrative Code* were referenced in Part 3 of the 2017-2018 Regulatory Plan. Adoption is pending and anticipated to occur on or about October 3, 2018.




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## **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 September 1 and September 26, 2018, to determine if the rules remain consistent with the agency's rulemaking authority and the laws implemented.

  
Julie L. Jones, Secretary

9/26/18  
Date

  
Kenneth S. Steely, General Counsel

9/26/18  
Date