



Department of Corrections

2017-2018 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, which requires the Department to provide a list of laws that “creates or modifies the duties or authority of the agency.” 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 944.17, 944.275, 944.597, and 958.11, Florida Statutes
 - Rulemaking does appear to be necessary to implement these laws. The agency has not published a Notice of Rule Development. The agency expects to publish a Notice of Proposed Rule not later than May 17, 2018.
2. Section 945.10, Florida Statutes
 - Rulemaking does appear to be necessary to implement this law. The agency has not published a Notice of Rule Development. The agency expects to publish a Notice of Proposed Rule not later than May 17, 2018.
3. Sections 944.606, 944.607, 985.481, 985.4815, 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 duplicative of the laws.
4. Sections 946.511, 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 them would be unnecessary and duplicative of the law.
5. Sections 948.001, 948.01, 948.001, 948.012, 948.013, 948.03, 948.031, 948.035, 948.037, 948.06, 948.09, 948.010, 948.101, 948.11, 948.15, 948.50, 921.187(1)(n), 947.1747, 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.

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

This part fulfills the requirements of section 120.74(1)(b), Florida Statutes, that requires the Department to list laws which the agency expects to implement by rulemaking before the following July 1, except emergency rulemaking. The list below 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 944.09, 945.6034, and 945.6037, Florida Statutes.
 - The Department expects to implement these laws by amending Rule 33-401.101, F.A.C., to improve coordination with other agencies, improve efficiency and to clarify this Rule.
2. 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., to improve coordination with other agencies, improve efficiency and to clarify these Rules.
3. Sections 944.09, 766.103, 945.6034, Florida Statutes.
 - The Department expects to implement these laws by amending Rule 33-401.105, F.A.C., in order to clarify this Rule.
4. Sections 944.275, 944.281, 944.801(3)(i)5, Florida Statutes.
 - The Department expects to implement these laws by amending Rule 33-601.101, F.A.C., in order to clarify this Rule.
5. Sections 945.04, 944.012(6)(b), 944.14, Florida Statutes.
 - The Department expects to implement these laws by amending Rule 33-601.308, F.A.C., in order to clarify this Rule.
6. Sections 944.115, 944.279, 944.28, 944.275, 944.281, 944.14, Florida Statutes.
 - The Department expects to implement these laws by amending Rule 33-601.314, F.A.C., in order to clarify this Rule.
7. Section 944.23, Florida Statutes.
 - The Department expects to implement this law by amending Rule 33-601.713, F.A.C., in order to clarify this Rule.
8. Sections 944.23, 944.8031, 944.14, 944.1905, Florida Statutes.
 - The Department expects to implement these laws by amending Rules 33-601.733 and 33-601.735, F.A.C., in order to clarify these Rules.

9. Sections 944.14, 944.1905, Florida Statutes.

- The Department expects to implement these laws by amending Rule 33-601.800, F.A.C., in order to clarify this Rule.

10. Sections 944.09, 945.215, Florida Statutes.

- The Department expects to implement these laws by amending Rule 33-602.101, F.A.C., in order to clarify this Rule.

11. Sections 944.09, Florida Statutes.

- The Department expects to implement this law by amending Rules 33-602.205, 33-602.219, and 33-602.222, F.A.C., in order to increase efficiency and clarify these Rules.

12. Section 944.09, 945.04, Florida Statutes.

- The Department expects to implement this law by amending Rule 33-602.220, F.A.C., in order to clarify this Rule.

13. Section 944.09, Florida Statutes.

- The Department expects to implement this law by amending Rule 33-603.201, F.A.C., in order to increase efficiency and improve coordination with other agencies.

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

- The Department expects to implement these laws by amending Rule 33-208.001, F.A.C., in order to clarify this Rule.

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

- The Department expects to implement these laws by amending Rule 33-203.201, F.A.C., in order to clarify this Rule.

16. Sections 119.07 and 120.53, Florida Statutes.

- The Department expects to implement these laws by amending Rule 33-102.101, F.A.C., in order to clarify this Rule.

17. Section 944.09, Florida Statutes.

- The Department expects to implement this law by amending Rule 33-503.101, F.A.C., to clarify this Rule.

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

- The Department expects to implement these laws by amending Rules 33-104.101, 33-104.201, and 33-104.203, F.A.C., to clarify these Rules.

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

- The Department expects to implement these laws by amending Rule 33-601.504, F.A.C., to increase efficiency of this Rule.

20. Sections 945.091 and 946.002, Florida Statutes.

- The Department expects to implement these laws by amending Rule 33-601.602, F.A.C., to clarify this Rule.

21. Sections 944.09, and 945.091, Florida Statutes.

- The Department expects to implement these laws by amending Rule 33-302.116, F.A.C., to clarify this Rule.

22. Sections 944.11 and 944.292, Florida Statutes.

- The Department expects to implement these laws by amending Rule 33-501.301, F.A.C., to clarify this Rule.

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

Section 120.74(1)(c), Florida Statutes states, in part:

The [annual regulatory] plan must include any desired update to the prior year's regulatory plan or supplement published pursuant to subsection (7).

Update(s) to Subparagraph (a)1 (Part I, Laws Enacted/Amended):

The Department of Correction's 2016-17 Annual Regulatory Plan did not list any laws pursuant to 120.74(1)(a), Florida Statutes, which required rulemaking. Therefore, an update under this provision is not applicable.

Update(s) to subsection (7) (Supplement to the Regulatory Plan):

The Department of Correction's 2016-17 Annual Regulatory Plan did not include any supplemental laws pursuant to 120.74(7), Florida Statutes, which required rulemaking. Therefore, an update under this provision is not applicable.

Additional update(s) (From 2016-17 Regulatory Plan, Part II)

Page 6, Item 9: 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: development of these rules was undertaken during 2016-17; however, due to their subject matter and complexity their implementation was temporarily delayed to provide additional time for development.

Page 6, Item 11: Section 944.09, Florida Statutes. Rules 33-103.005, 33-103.006, 33-103.007, 33-103.008, 33-103.011, and 33-103.014: implementation during 2016-17 was temporarily postponed to further develop improved efficiency, clarify and improve coordination with other agencies the listed rules.

Certification

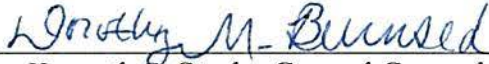
We, the undersigned persons, hereby certify on behalf of the Department of Corrections (the "agency") that we have reviewed the plan and that the agency regularly reviews all of its rules, and that all of the agency's rules were most recently reviewed to determine if the rules remain consistent with the agency's rulemaking authority and the laws implemented between September 1 and September 28, 2017.



Julie L. Jones, Secretary



Date


for Kenneth S. Steely, General Counsel



Date