



**REGULATORY PLAN  
ANNUAL REPORT 2021**

**DEPARTMENT OF CHILDREN AND FAMILIES  
OFFICE OF THE GENERAL COUNSEL**

**Shevaun L. Harris  
Secretary**

**Ron DeSantis  
Governor**

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

**Ron DeSantis**  
*Governor*

**Shevaun L. Harris**  
*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 2021.

The Department regularly reviews all of its rules and most recently completed a review of its rules as of August 2021, to determine if they remain consistent with the Department's rulemaking authority and the laws implemented.

\_\_\_\_\_  
Shevaun L. Harris, Secretary

8/28/2021

\_\_\_\_\_  
Date

\_\_\_\_\_  
Javier Enriquez, General Counsel

8/3/21

\_\_\_\_\_  
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 twenty-eight new or amended laws enacted in the 2021 Legislative Session that create or modify the Department's duties or authority. Of these, twelve require the Department to implement the law by rulemaking and ten must otherwise be implemented by rulemaking.

This report also identifies multiple other laws expected to be implemented by rulemaking before July 2022, primarily through amendments of existing rules. In addition, several 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, 2021.

**THE FOLLOWING LAWS ENACTED OR AMENDED DURING THE PREVIOUS 12 MONTHS CREATE OR MODIFY THE DUTIES OR AUTHORITY OF THE DEPARTMENT**  
**REPORTING PERIOD: August 2020 through August 2021**  
**2021 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 |                                                                                                                                          |
| 2021-010<br>(402.281 transferred and renumbered 1002.945, F.S.)      | No                                                    | N/A                                                                           | N/A                                                             | N/A                                                     | The Bill called for a Type 2 transfer, which was all encompassing, so existing rules will be transferred to the Department of Education. |
| 2021-120<br>(402.305, F.S.)                                          | Yes                                                   | N/A                                                                           | 10/2021                                                         | 10/2021                                                 |                                                                                                                                          |
| 2021-128<br>(397.415, F.S.)                                          | No                                                    | Yes                                                                           | 10/2021                                                         | 3/2022                                                  |                                                                                                                                          |
| 2021-128<br>(397.4873, F.S.)                                         | No                                                    | Yes                                                                           | 10/2021                                                         | 3/2022                                                  |                                                                                                                                          |
| 2021-131<br>(402.181, F.S.)                                          | Yes                                                   | N/A                                                                           | 9/2021                                                          | 10/2021                                                 |                                                                                                                                          |
| 2021-152<br>(741.327, F.S.)                                          | Yes                                                   | N/A                                                                           | 6/2021                                                          | 9/2021                                                  |                                                                                                                                          |
| 2021-169<br>(39.00146, F.S.)                                         | Yes                                                   | N/A                                                                           | 9/2021                                                          | 10/2021                                                 |                                                                                                                                          |
| 2021-169<br>(39.01375, F.S.)                                         | No                                                    | Yes                                                                           | 9/2021                                                          | 10/2021                                                 |                                                                                                                                          |

|                               |     |     |     |        |         |                                                                                                                                                                              |
|-------------------------------|-----|-----|-----|--------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2021-169<br>(39.401, F.S.)    | No  | No  | No  | N/A    | N/A     | The statute specifies authorized placements for children.                                                                                                                    |
| 2021-169<br>(39.402, F.S.)    | No  | No  | No  | N/A    | N/A     | The statutory language outlines the requirements and reasonable efforts the Department must make to place a child in the order of priority outlined in section 39.4021, F.S. |
| 2021-169<br>(39.4021, F.S.)   | No  | Yes | Yes | 9/2021 | 10/2021 |                                                                                                                                                                              |
| 2021-169<br>(39.4022, F.S.)   | Yes | N/A | N/A | 9/2021 | 10/2021 |                                                                                                                                                                              |
| 2021-169<br>(39.4023, F.S.)   | Yes | N/A | N/A | 9/2021 | 10/2021 |                                                                                                                                                                              |
| 2021-169<br>(39.4024, F.S.)   | Yes | N/A | N/A | 9/2021 | 10/2021 |                                                                                                                                                                              |
| 2021-169<br>(39.522, F.S.)    | No  | Yes | Yes | 9/2021 | 10/2021 |                                                                                                                                                                              |
| 2021-169<br>(39.523, F.S.)    | Yes | N/A | N/A | 9/2021 | 10/2021 |                                                                                                                                                                              |
| 2021-169<br>(39.6035, F.S.)   | Yes | No  | No  | 9/2021 | 10/2021 |                                                                                                                                                                              |
| 2021-169<br>(39.8155, F.S.)   | No  | Yes | Yes | 9/2021 | 10/2021 |                                                                                                                                                                              |
| 2021-169<br>(409.14515, F.S.) | Yes | N/A | N/A | 9/2021 | 10/2021 |                                                                                                                                                                              |
| 2021-169<br>(414.56, F.S.)    | No  | N/A | N/A | N/A    | N/A     | No rulemaking authority.                                                                                                                                                     |
| 2021-170<br>(39.201, F.S.)    | No  | No  | No  | N/A    | N/A     | Statutory language sets the requirements for operation of the child abuse hotline.                                                                                           |
| 2021-170<br>(39.2015, F.S.)   | No  | No  | No  | N/A    | N/A     | Statutory language provides sufficient guidance.                                                                                                                             |
| 2021-170                      | Yes | N/A | N/A | 9/2021 | 10/2021 |                                                                                                                                                                              |

|                              |     |     |         |         |  |  |  |  |                                                                                                                                                                                                       |
|------------------------------|-----|-----|---------|---------|--|--|--|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (39.208, F.S.)               |     |     |         |         |  |  |  |  |                                                                                                                                                                                                       |
| 2021-170<br>(39.4085, F.S.)  | No  | Yes | 9/2021  | 10/2021 |  |  |  |  |                                                                                                                                                                                                       |
| 2021-170<br>(394.9082, F.S.) | No  | No  | N/A     | N/A     |  |  |  |  | Subsection (17) can be implemented by amending managing entity contracts. Subsection (19) can be implemented through appropriate allocation of Department staff to support the Commission, as needed. |
| 2021-170<br>(409.1415, F.S.) | Yes | N/A | 9/2021  | 10/2021 |  |  |  |  |                                                                                                                                                                                                       |
| 2021-170<br>(409.175, F.S.)  | No  | Yes | 9/2021  | 10/2021 |  |  |  |  |                                                                                                                                                                                                       |
| 2021-176<br>(394.463, F.S.)  | No  | Yes | 10/2021 | 3/2022  |  |  |  |  |                                                                                                                                                                                                       |

| Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2022 |                                                      |                               |                                    |
|---------------------------------------------------------------------------------------------|------------------------------------------------------|-------------------------------|------------------------------------|
| Rule Number                                                                                 | Statute Implemented                                  | Adoption/Amendment/<br>Repeal | Effect of Rulemaking               |
| 65A-1.603                                                                                   | 414.45, F.S.                                         | Amendment                     | Update federal standards           |
| 65A-1.701                                                                                   | 409.902, 409.903, 409.904,<br>409.906, 409.919, F.S. | Amendment                     | Update federal standards           |
| 65A-1.703                                                                                   | 409.903, 409.904, 409.919,<br>F.S.                   | Amendment                     | Update federal standards           |
| 65A-1.712                                                                                   | 409.9102, 409.919, F.S.                              | Amendment                     | Update federal standards; clarify  |
| 65A-1.716                                                                                   | 409.902, 409.903, 409.904,<br>409.906, 409.919, F.S. | Amendment                     | Update federal standards           |
| 65A-1.730                                                                                   | 409.818, F.S.                                        | Amendment                     | Clarify                            |
| 65A-2.022                                                                                   | 409.212, F.S.                                        | Amendment                     | Update information; Improve access |
| 65A-2.023                                                                                   | 409.212, F.S.                                        | Amendment                     | Update information; Improve access |
| 65A-2.032                                                                                   | 409.212, 429.67, F.S.                                | Amendment                     | Update information; Improve access |
| 65A-2.036                                                                                   | 409.212, F.S.                                        | Amendment                     | Update federal standards           |
| 65A-4.201                                                                                   | 414.45, 414.105, 414.14,<br>F.S.                     | Amendment                     | Clarify                            |
| 65A-4.203                                                                                   | 414.45, 414.065, F.S.                                | Amendment                     | Clarify                            |
| 65A-4.207                                                                                   | 414.095, 414.45, 414.0252,<br>F.S.                   | Amendment                     | Clarify                            |
| 65A-4.208                                                                                   | 414.095, 414.45, F.S.                                | Amendment                     | Clarify                            |
| 65A-4.209                                                                                   | 414.085, 414.095, 414.45,<br>F.S.                    | Amendment                     | Clarify                            |
| 65A-4.210                                                                                   | 414.45, 414.085, 414.95,<br>F.S.                     | Amendment                     | Clarify                            |
| 65A-4.2131                                                                                  | 414.45, 414.1251, F.S.                               | Amendment                     | Clarify                            |
| 65A-4.214                                                                                   | 414.45, 414.115, F.S.                                | Amendment                     | Clarify                            |
| 65A-4.215                                                                                   | 414.045, 414.095, F.S.                               | Amendment                     | Clarify                            |



| Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2022 |                                                                    |                               |                                                                                             |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------|-------------------------------|---------------------------------------------------------------------------------------------|
| Rule Number                                                                                 | Statute Implemented                                                | Adoption/Amendment/<br>Repeal | Effect of Rulemaking                                                                        |
| 65A-4.216                                                                                   | 414.45, 414.13, F.S.                                               | Amendment                     | Clarify                                                                                     |
| 65A-4.220                                                                                   | 414.45, 414.095, 414.095,<br>F.S.                                  | Amendment                     | Clarify                                                                                     |
| 65C-20.012                                                                                  | 402.305, 402.310, 402.313,<br>402.3131, F.S.                       | Amendment                     | Increase efficiency; Clarify                                                                |
| 65C-22.001                                                                                  | 402.305, 402.3054,<br>402.3055, 402.308,<br>402.309, 402.310, F.S. | Amendment                     | Increase efficiency; Remove unnecessary provisions; Clarify; Simplify; Add safety standards |
| 65-22.008                                                                                   | 402.302, 402.313,<br>402.3131, F.S.                                | Amendment                     | Remove unnecessary provisions; Clarify; Simplify; Increase efficiency                       |
| 65C-22.010                                                                                  | 402.305, 402.310, F.S.                                             | Amendment                     | Clarify                                                                                     |
| 65C-45.002                                                                                  | 409.175, F.S.                                                      | Amendment                     | Clarify; Increase efficiency                                                                |
| 65C-45.003                                                                                  | 409.175, F.S.                                                      | Amendment                     | Clarify; Increase efficiency                                                                |
| 65C-45.005                                                                                  | 409.175, F.S.                                                      | Amendment                     | Clarify; Increase efficiency                                                                |
| 65C-45.010                                                                                  | 409.175, F.S.                                                      | Amendment                     | Clarify; Increase efficiency                                                                |
| 65C-45.0121                                                                                 | 409.175, F.S.                                                      | Amendment                     | Clarify; Increase efficiency                                                                |
| 65C-45.013                                                                                  | 409.175, F.S.                                                      | Amendment                     | Clarify; Increase efficiency                                                                |
| 65C-45.014                                                                                  | 409.175, F.S.                                                      | Amendment                     | Clarify; Increase efficiency                                                                |
| 65C-45.015                                                                                  | 409.175, F.S.                                                      | Amendment                     | Clarify; Increase efficiency                                                                |
| 65C-45.017                                                                                  | 409.175, F.S.                                                      | Amendment                     | Clarify; Increase efficiency                                                                |
| 65D-30.001                                                                                  | 397, F.S.                                                          | Amendment                     | Clarify                                                                                     |
| 65D-30.002                                                                                  | 397.311, 397.321, 397.410,<br>F.S.                                 | Amendment                     | Clarify; Simplify                                                                           |
| 65D-30.0031                                                                                 | 397.321, 397.403, 397.417,<br>397.4871, F.S.                       | Amendment                     | Clarify; Improve coordination with other agencies                                           |

| Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2022 |                                                                                             |                               |                                                               |
|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|-------------------------------|---------------------------------------------------------------|
| Rule Number                                                                                 | Statute Implemented                                                                         | Adoption/Amendment/<br>Repeal | Effect of Rulemaking                                          |
| 65D-30.0036                                                                                 | 397.321, 397.4014,<br>397.403, 397.407, 397.410,<br>397.411, F.S.                           | Amendment                     | Clarify; Improve coordination with other agencies             |
| 65D-30.0037                                                                                 | 397.321, 397.4014,<br>397.403, 397.407, 397.410,<br>F.S.                                    | Amendment                     | Clarify; Improve coordination with other agencies             |
| 65D-30.0038                                                                                 | 397.410, 397.411, 397.415,<br>F.S.                                                          | Amendment                     | Clarify; Improve coordination with other agencies             |
| 65D-30.004                                                                                  | 397.321, 397.4014,<br>397.4073, 397.4075,<br>397.410, 397.4103,<br>397.4113, 397.4872, F.S. | Amendment                     | Clarify; Improve coordination with other agencies             |
| 65D-30.0046                                                                                 | 397.321, 397.410, F.S.                                                                      | Amendment                     | Clarify; Simplify                                             |
| 65D-30.013                                                                                  | 397.311, 397.321, 397.410,<br>F.S.                                                          | Amendment                     | Clarify; Simplify; Improve coordination with other agencies   |
| 65D-30.0141                                                                                 | 397.311, 397.321, 397.407,<br>397.410, 397.427, F.S.                                        | Amendment                     | Clarify; Simplify;                                            |
| 65D-30.0143                                                                                 | 397.311, 397.321, 397.410,<br>397.427, F.S.                                                 | Adoption                      | Reduce regulatory costs; Increase efficiency                  |
| 65E-4.016                                                                                   | 394.875, 394.876, 394.877,<br>394.879, 394.90, 394.902,<br>394.903, F.S.                    | Amendment                     | Clarify                                                       |
| 65E-5.100                                                                                   | 394.455, 394.457,<br>394.4655, F.S.                                                         | Amendment                     | Clarify                                                       |
| 65E-5.120                                                                                   | 394.457, F.S.                                                                               | Amendment                     | Increase efficiency; Improve coordination with other agencies |
| 65E-5.1303                                                                                  | 394.4573, 394.459, 394.460<br>F.S.                                                          | Amendment                     | Clarify                                                       |
| 65E-5.1703                                                                                  | 394.459, 394.4598,<br>394.463, 494.46715, F.S.                                              | Amendment                     | Delete obsolete, unnecessary, or redundant rules              |
| 65E-5.260                                                                                   | 394.462, 394.463, F.S.                                                                      | Repeal                        | Delete obsolete, unnecessary, or redundant rules              |

| Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2022 |                                                                                     |                               |                                                   |
|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------|---------------------------------------------------|
| Rule Number                                                                                 | Statute Implemented                                                                 | Adoption/Amendment/<br>Repeal | Effect of Rulemaking                              |
| 65E-5.2601                                                                                  | 394.462, F.S.                                                                       | Repeal                        | Delete obsolete, unnecessary, or redundant rules  |
| 65E-5.280                                                                                   | 394.463, F.S.                                                                       | Amendment                     | Clarify; Improve coordination with other agencies |
| 65E-5.2801                                                                                  | 394.463, F.S.                                                                       | Amendment                     | Clarify; Improve coordination with other agencies |
| 65E-5.350                                                                                   | 394, Part I, IV, 394.455,<br>394.461, 394.461, 394.462,<br>395, 415, 458, 817, F.S. | Amendment                     | Clarify                                           |
| 65E-5.351                                                                                   | 394.461, F.S.                                                                       | Repeal                        | Delete obsolete, unnecessary, or redundant rules  |
| 65E-5.352                                                                                   | 394.461, F.S.                                                                       | Amendment                     | Clarify                                           |
| 65E-5.353                                                                                   | 394, 394.455, 394.461, 395,<br>415, 458.331, 817.505, F.S.                          | Amendment                     | Clarify                                           |
| 65E-5.354                                                                                   | 394.457, 394.461, F.S.                                                              | Adoption                      | Clarify                                           |
| 65E-5.355                                                                                   | 394.457, 394.459, F.S.                                                              | Adoption                      | Clarify                                           |
| 65E-5.356                                                                                   | 394.461, F.S.                                                                       | Adoption                      | Improve coordination with other agencies          |
| 65E-5.357                                                                                   | 394.461, F.S.                                                                       | Adoption                      | Improve coordination with other agencies          |
| 65E-5.358                                                                                   | 394.462, 394.463, F.S.                                                              | Adoption                      | Improve coordination with other agencies          |
| 65E-9.002                                                                                   | 394.875, F.S.                                                                       | Amendment                     | Clarify                                           |
| 65E-9.005                                                                                   | 394.875, F.S.                                                                       | Amendment                     | Clarify; Increase efficiency                      |
| 65E-9.006                                                                                   | 394.875, F.S.                                                                       | Amendment                     | Clarify; Improve coordination with other agencies |
| 65E-9.007                                                                                   | 394.875, F.S.                                                                       | Amendment                     | Clarify                                           |
| 65E-9.008                                                                                   | 394.875, F.S.                                                                       | Amendment                     | Clarify                                           |
| 65E-9.011                                                                                   | 394.875, F.S.                                                                       | Amendment                     | Clarify; Improve coordination with other agencies |
| 65E-9.014                                                                                   | 394.875, F.S.                                                                       | Amendment                     | Clarify                                           |
| 65E-10.013                                                                                  | 394.4781, F.S.                                                                      | Repeal                        | Delete redundant rule                             |

| Listing of upcoming rulemaking expected to commence (Notice of Rulemaking) Before July 2022 |                                                               |                               |                                                   |
|---------------------------------------------------------------------------------------------|---------------------------------------------------------------|-------------------------------|---------------------------------------------------|
| Rule Number                                                                                 | Statute Implemented                                           | Adoption/Amendment/<br>Repeal | Effect of Rulemaking                              |
| 65E-10.014                                                                                  | 394.4781, F.S.                                                | Repeal                        | Delete redundant rule                             |
| 65E-10.016                                                                                  | 394.4781, F.S.                                                | Repeal                        | Delete redundant rule                             |
| 65E-10.018                                                                                  | 394.4781, F.S.                                                | Repeal                        | Delete redundant rule                             |
| 65E-14.001                                                                                  | 394.74, 394.77, 394.9082,<br>397.481, F.S.                    | Amendment                     | Clarify                                           |
| 65E-14.021                                                                                  | 394.74, 394.77, 394.78,<br>394.9082, 397.321, 402.73,<br>F.S. | Amendment                     | Clarify; Improve coordination with other agencies |

UPDATE TO 2020 REGULATORY PLAN

Rulemaking was not initiated prior to July 1, 2021 for the following rules:

65A-1.203, .301, .303, .605, .711, .715, .730

65A-4.201, .203, .207-.210, .2131, .214-.216

65C-14.009, .117

Rule chapters 65C-15 and 65C-17

65C-20.008, .012

65C-22.008, .010

65E-4.015

Rule chapter 65E-5

65E-14.003, .010, .020, .021

RULEMAKING NOT INITIATED BY JULY 1, 2021 FOR LAWS PREVIOUSLY REPORTED AS  
REQUIRED ON THE 2020 REGULATORY PLAN

None