

2015 – 2016 Annual Rulemaking and Regulatory Plan

Pursuant to section 120.74, Florida Statutes, the Department of Economic Opportunity presents the following annual rulemaking and regulatory plan and certifies the following responses to the statutory requirements:

Section 120.74 (1)(a), Florida Statutes:

This plan must include a listing of each law enacted or amended during the previous 12 months which creates or modifies the duties or authority of the agency. The following Laws of Florida and Florida Statutes were enacted or amended during the previous 12 months that create or modify the duties or authority of the agency. The agency does not have to adopt rules in order to implement any of the following laws.

A.) Chapter 2015-030, Laws of Florida - Community Development

This Law of Florida designates Pasco County as a pilot community certified for a period of 10 years to adopt connected-city corridor plan amendments without state and regional review. The agency is required to issue a letter of certification to Pasco County that, at a minimum, defines the boundary of the connected-city corridor certification area and requires annual or biennial reports from the County.

The bill also amends section 190.005, Florida Statutes, to authorize the creation of a community development district of up to 2,000 acres in a connected-city corridor certification area by county ordinance.

The agency does not have to adopt rules to implement this law. Rulemaking is not necessary to implement this law because there were no substantive changes to the agency's rulemaking authority. Additionally, no rules currently implemented by the agency need to be changed, and no new rules need to be implemented by the agency in order for this law to be implemented.

B.) Chapter 2015-069, Laws of Florida - Peril of Flood

Sections 163.3178 and 627.715, Florida Statutes were amended and section 195.088, Florida Statutes, was created to do the following:

- Require that Coastal Management Elements in local government comprehensive plans address the reduction in flood risk, principles, and strategies to remove coastal real property from Federal Emergency Management Agency flood zone designations, and site development techniques and best practices that may reduce losses due to flooding and reduce flood insurance claims in coastal areas;

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399

866.FLA.2345 | 850.245.7105 | 850.921.3223 Fax

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- Provide for preparation of elevation certificates for real property and filing of the certificates with the appropriate county property appraiser and the Division of Emergency Management; and
- Require that customized flood insurance provide coverage for peril of flood that differs from standard and preferred flood insurance through specific policy provisions as identified.

The agency does not have to adopt rules to implement this law. Rulemaking is not necessary to implement this law because there were no substantive changes to the agency's rulemaking authority. Additionally, no rules currently implemented by the agency need to be changed, and no new rules need to be implemented by the agency in order for this law to be implemented.

C.) Chapter 2015-098, Laws of Florida - Workforce Services

Section 445.004, Florida Statutes, was amended to rename Workforce Florida, Inc., as CareerSource Florida, Inc. The amendment holds in abeyance specific requirements related to the Workforce Estimating Conference, requires the Office of Economic and Demographic Research to develop and test a labor market economic model and submit a report, with input from certain agencies. It creates a task force to prepare for the state's implementation of the Federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, and provides for the abolishment of the task force.

The agency does not have to adopt rules to implement this law. Rulemaking is not necessary to implement this law because there were no substantive changes to the agency's rulemaking authority. Additionally, no rules currently implemented by the agency need to be changed, and no new rules need to be implemented by the agency in order for this law to be implemented.

D.) Chapter 2015-106, Laws of Florida - Freight Logistics Zones

Section 311.103, Florida Statutes, was created relating to state freight logistics zones. County governments are granted the authority to designate geographic areas as "freight logistics zones", which are defined as a grouping of activities and infrastructure associated with freight transportation and related services within a defined area around an intermodal logistics center as defined in section 311.101(2), Florida Statutes. Designated zones must be included in the county's strategic plan and may be eligible for priority in incentive programs identified in parts I, III, and V of chapter 288.

The agency does not have to adopt rules to implement this law. Rulemaking is not necessary to implement this law because there were no substantive changes to the agency's rulemaking authority. Additionally, no rules currently implemented by the agency need to be changed, and no new rules need to be implemented by the agency in order for this law to be implemented.

E.) Chapter 2015-163, Laws of Florida - Highway Safety and Motor Vehicles

Section 320.08058, Florida Statutes, requires certain fees collected for specialty license plates to be placed into the Professional Sports Development Trust Fund within the agency.

The agency does not have to adopt rules to implement this law. Rulemaking is not necessary to implement this law because there were no substantive changes to the agency's rulemaking authority. Additionally, no rules currently implemented by the agency need to be changed, and no new rules need to be implemented by the agency in order for this law to be implemented.

F.) Chapter 2015-221, Laws of Florida - Taxation

This law provides that businesses that enter into specific contracts under sections 212.04, 212.05, 212.20, 220.183, 220.1845, 624.509, and 624.5105, Florida Statutes, with the agency for certain economic development programs may apply for specified tax exemptions, refunds, and credits for certain projects with the Department of Revenue.

The agency does not have to adopt rules to implement this law. Rulemaking is not necessary to implement this law because there were no substantive changes to the agency's rulemaking authority. Additionally, no rules currently implemented by the agency need to be changed, and no new rules need to be implemented by the agency in order for this law to be implemented.

G.) Chapter 2015-224, Laws of Florida - Florida Business Information Portal

Section 20.166, Florida Statutes, requires the agency to cooperate with the Department of Business and Professional Regulation in the development, implementation, and ongoing content updates of the Florida Business Information Portal.

The agency does not have to adopt rules to implement this law. Rulemaking is not necessary to implement this law because there were no substantive changes to the agency's rulemaking authority. Additionally, no rules currently implemented by the agency need to be changed, and no new rules need to be implemented by the agency in order for this law to be implemented.

H.) Chapter 2015-229, Laws of Florida - Water and Land Conservation Constitutional Amendment

Amendments to section 201.15, Florida Statutes, changed the distribution of taxes collected and the agency trust funds which will receive those taxes.

The agency does not have to adopt rules to implement this law. Rulemaking is not necessary to implement this law because there were no substantive changes to the agency's rulemaking authority. Additionally, no rules currently implemented by the agency need to be changed, and no new rules need to be implemented by the agency in order for this law to be implemented.

Section 120.74(1)(b), Florida Statutes:

This section requires that the plan include a listing of each law not otherwise listed pursuant to subsection (a) which the agency expects to implement by rulemaking before the following July 1, except emergency rulemaking. The agency plans to implement section 445.017, Florida Statutes, before July 1, 2016. Additionally, the agency expects to implement the items identified on attachment "A" before July 1, 2016, except for emergency rulemaking.

Law to be Implemented	Rule Number	Rule Title	Rulemaking Action	Additional Details on Reason for Rulemaking	Description of Current Rule or Statute to be Implemented
445.017, F.S.	73B-2.001	Up-Front Diversion Program	New Rule	DCF is repealing their rule that covers this program. In order to avoid a lapse in services, and to increase efficiency, this rule is being created.	This rule will provide direction and an application to applicants for up-front diversion due to their unexpected circumstance or emergency situation that requires some immediate assistance to secure or retain employment or child support.

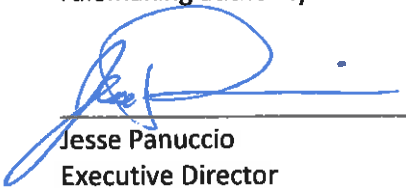
Section 120.74(1)(c), Florida Statutes:

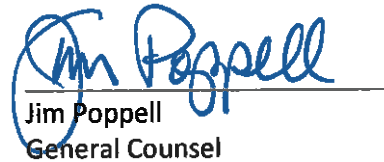
This section requires that the plan include any desired update to the prior year's regulatory plan or supplement published pursuant to subsection (7). The agency has no update to the last year's regulatory plan or supplement.

Section 120.74(1)(d), Florida Statutes:

The agency head and the individual acting as the principal legal advisor to the agency head certify the following:

1. The agency head and the principal legal advisor to the agency head have each reviewed this plan.
2. The agency regularly reviews all of its rules to determine if the rules remain consistent with the agency's rulemaking authority and laws implemented. This was most recently done in June of 2015.


 Jesse Panuccio
 Executive Director


 Jim Poppell
 General Counsel

Attachment A

Rule Number	Rule Title	Rulemaking Action	Reason for Rulemaking	Additional Details on Reason for Rulemaking	Description of Current Rule or Statute to be Implemented	Description of Changes to be Made in Rulemaking	Economic Impact	Highly Technical or Complicated
73B-1.001	Definitions	Rule Amendment	Update Rule	Add additional terms to the definitions specific to the displaced homemaker program. This section will be updated to align with the branding initiative and WIOA. DCF is revising their rule that covers that same program. In order to avoid a lapse in services, this rule is being created.	Statute directs the implementation of the displaced homemaker program.	Updates/Amend Rule	None	No
73B-2.001	Up-Front Diversion Program	New Rule	Other	Update to tax forms to clarify the information needed and when the forms should be filed.	This rule will provide direction and an application to applicants for up-front diversion due to their unexpected circumstance or emergency situation that requires some immediate assistance to secure or retain employment or child support.	Creation of Rule	None	No
73B-10.037	Public Use Forms	Rule Amendment	Update Rule	Update to tax forms to clarify the information needed and when the forms should be filed.	This rule provides tax forms that must be submitted to DEO and DCR.	Updates/Amend Rule	None	No
73B-11.038	Benefit Records Unit Records Request	Rule Amendment	Other	Include in the coding for Economic Development subgrants the number of retained jobs, not just created jobs.	Incorporates a Form promulgated by this rule for requesters of UC information to fill out in order for DEO to verify that a claimant/employer authorizes the release of records to the requester.	Updates/Amend Rule	None	No
73C-23.0041	Application Process-General Information	Rule Amendment	Other	DEO's annual subgrant agreement and LIHEAP Policy Manual (both incorporated into DEO's annual Model State Plan) provide for any definitions necessary to administer the program. This language is duplicative.	Current rule provides requirements for applicants for a Community Development Block Grant. The Economic Development subgrant grant ceilings only consider created jobs even though the grant can be applied to retained jobs as well.	Add "and retained" to section (3)(c)	None	No
73C-25.023	Low Income Home Energy Assistance Program-Definitions	Rule Repeal	Other	DEO's annual subgrant agreement and LIHEAP Policy Manual (both incorporated into DEO's annual Model State Plan) provide for any definitions necessary to administer the program. This language is duplicative.	NA	Repeal	None	No
73C-26.021	Low Income Home Energy Assistance Program-Distribution of Funds	Rule Repeal	Other	DEO's annual subgrant agreement and LIHEAP Policy Manual (both incorporated into DEO's annual Model State Plan) provide the required benefit policies all subgrantees must follow in administration of the program. This language is duplicative.	NA	Repeal	None	No
73C-28.022	Low Income Home Energy Assistance Program-Energy Assistance Benefits	Rule Repeal	Other	DEO's annual subgrant agreement and LIHEAP Policy Manual (both incorporated into DEO's annual Model State Plan) provide the required client eligibility policies all subgrantees must follow in administration of the program. This language is duplicative.	NA	Repeal	None	No
73C-28.023	Low Income Home Energy Assistance Program-Client Eligibility	Rule Repeal	Other	DEO's annual subgrant agreement and LIHEAP Policy Manual (both incorporated into DEO's annual Model State Plan) provide the required payment policies all subgrantees must follow in administration of the program. This language is duplicative.	NA	Repeal	None	No
73C-28.024	Low Income Home Energy Assistance Program-Energy Payments	Rule Repeal	Other	DEO's annual subgrant agreement and LIHEAP Policy Manual (both incorporated into DEO's annual Model State Plan) provide the required fair hearing policies all subgrantees must follow in administration of the program. This language is duplicative.	NA	Repeal	None	No
73C-28.025	Low Income Home Energy Assistance Program-Hearings	Rule Repeal	Other	DEO's annual subgrant agreement and LIHEAP Policy Manual (both incorporated into DEO's annual Model State Plan) provide the required fair hearing policies all subgrantees must follow in administration of the program. This language is duplicative.	NA	Repeal	None	No