

Department of Elder Affairs 2016-2017 Regulatory Plan

Pursuant to Section 120.74, F.S. (2016), the Florida Department of Elder Affairs (DOEA) has prepared the following regulatory plan relating to laws passed in the 2016 Regular Legislative Session and other rules that the DOEA expects to implement by rulemaking before July 1, 2017.

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:

- 1) Chapter 2016-040, Laws of Florida, relating to Guardianship
The DOEA is required to engage in rulemaking to implement this law. On August 1, 2016, the Notice of Rule Development was published in volume 42 number 148 of the Florida Administrative Register. The Notice of Proposed Rule was published on October 18, 2016, in volume 42 number 203 of the Florida Administrative Register.
- 2) Chapter 2016-147, Laws of Florida, relating to Long-Term Care Managed Care Prioritization
The DOEA is not required to engage in rulemaking to implement this law. Rulemaking by this agency is not required because the Agency for Health Care Administration (AHCA), who has joint rulemaking with DOEA, adopted Rule 59G-4.193 Statewide Medicaid Managed Care Long-term Care Waiver Program Prioritization and Enrollment on December 8, 2016.
- 3) Chapter 2016-92, Laws of Florida, relating to assisted living facility firesafety
The DOEA may engage in rulemaking to implement this law. This law affects the assisted living facility rule 58A-5 which is currently under revision. However, Rule 69A-40 implementing Chapter 2016-92, Laws of Florida, is currently being drafted by the Division of State Fire Marshal.

Section 120.74(1)(b), Florida Statutes (2016)

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 by emergency rulemaking.

- 1) The agency expects to implement by rulemaking Rule 58A-5 before July 1. This rule was developed under Chapter 429, Florida Statutes. On March 8, 2016, the agency published a Notice of Rule Development in volume 42 number 46 of the Florida Administrative Register. On April 11, 2016, the agency published the Notice of Proposed Rule in volume 42 number 70 of the Florida Administrative Register.
- 2) The agency also expects to amend Chapter 58L-1007, Florida Administrative Code by rulemaking before July 1. This rule was developed to implement the agency's requirements under Sections

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400.0071, 400.0074, and 400.075, Florida Statutes. This rulemaking is intended to simplify and increase efficiency.

Section 120.74(1)(c), Florida Statutes (2016)

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 updates to the prior year's regulatory plan.

