

Department of Economic Opportunity's 2022-2023 Annual Regulatory Plan

Pursuant to section 120.74, F.S., the Department of Economic Opportunity (Department) has prepared the following Annual Regulatory Plan.

Section 120.74(1)(a), F.S.

The 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 which create or modify the duties or authority of the agency:

A) Chapter 2022-023, Law Enforcement Agencies

The law enacts section 445.08, F.S., which creates within the Department the "Florida Law Enforcement Recruitment Bonus Payment Program." The Department is required to make rules necessary to administer a one-time bonus payment to eligible newly employed law enforcement officers and to develop an annual plan setting forth the methods for determining the bonus payment amount, manner of distribution, estimated cost of administering the program, and for officer reimbursement when necessary. The Notice of Proposed Rule for Chapter 73B-12, F.A.C. - the new rule chapter to implement the Program - was published in the Florida Administrative Register on August 15, 2022.

Rulemaking is mandatory under this new law.

Section 120.74(1)(b), F.S.

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 Department expects to implement the following laws by rulemaking:

A) Section 446.71, F.S. Rule 73B-6.001, F.A.C., which implements section 446.71, F.S., the Everglades Restoration Agricultural Community Employment Training Program, will be updated to clarify the application process.

B) Sections 290.0401-290.048, F.S. The Department is amending Rules 73C-23.0030 and 73C-23.0031, F.A.C., in Chapter 73C-23, F.A.C., which implements the Florida Small Cities Community Development Block Grant Program in sections 290.0401-290.048, F.S. The rules and incorporated forms will be amended to include infrastructure planning as an eligible activity under the

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Program. The Notice of Proposed Rule was published in the Florida Administrative Register on July 18, 2022.

C) Section 163.3191, F.S. The Department intends to update the schedule in Rule 73C-49.001, F.A.C., which implements section 163.3191, F.S. The schedule establishes the due dates for local governments to submit the evaluation and appraisal notification letter to the Department. The rule amendments will add three newly created local governments to the schedule.

D) Section 212.08, F.S. The Department will be creating rules necessary to notice applicants for community contribution tax credits awarded under section 212.08, F.S., of the application and monitoring procedures. The Department may make rules to implement this section, but currently has none. These rules are intended to clarify and improve efficiency in the award of tax credits.

E) Section 445.003, F.S. In 2021, the Legislature amended section 445.003, F.S., to require the Department to adopt rules regarding the submission, review, and approval of local workforce plans. § 445.003(7)(a), F.S. The law also requires the Department to adopt rules to implement the minimum training criteria for partners under the Workforce Innovation and Opportunity Act (WIOA). § 445.003(7)(b), F.S. The Notice of Proposed Rule to implement section 445.003(7)(a) was published in the Florida Administrative Register on August 12, 2022. The proposed rules to implement section 445.003(7)(b) have been drafted and are in the process for filing the Notice of Proposed Rule.

F) Section 189.018, F.S. Rule 73C-24.003, F.A.C., implements the annual fee schedule in section 189.018, F.S., for the Special District Accountability Program. The Department intends to amend Rule 73C-24.003, F.A.C., to increase efficiency by requiring special districts to pay the annual state fee electronically using a Visa or MasterCard, or by Automated Clearinghouse (ACH) transfer.

G) Section 288.9961, F.S. The Department is developing rules to implement the Broadband Opportunity Program in section 288.9962, F.S. The Department has held three workshops on the draft rules.

H) Section 380.05, F.S. The Department intends to amend Rule 73C-44.003, F.A.C., which implements section 380.05, F.S., regarding the rendering of development orders to the Department by local governments in Areas of Critical State Concern. The purpose of the proposed amendment is to allow local governments the option to electronically submit the development orders.

I) Section 443.1118, F.S. In 2021, the Legislature created section 443.1118, F.S., which allows for employer-assisted claims in the event of mass separations and sets forth the procedures for initiating and submitting, notice requirements, effective date, and claimant filing requirements.

The Department is required to adopt rules establishing additional procedures for filing an employer-assisted claim.

J) Sections 443.131, F.S. Rule 73B-10.022, F.A.C., provides the definitions for Chapter 73B-10, F.A.C. The Department intends to amend Rule 73B-10.022, F.A.C., to modify the definition of address of record to include the Department of Revenue within the definition.

K) Section 443.151, F.S. Chapter 73B-20, F.A.C., establishes the procedures for hearings before the Office of Appeals on appeals of determinations and redeterminations as provided by the Reemployment Assistance law. The Department intends to amend Rule 73B-20.003, F.A.C., to clarify the information that needs to be included in the appeal. The Department intends to amend Rule 73B-20.004, F.A.C., to clarify the different methods for filing an appeal. The Department intends to amend Rule 73B-20.005, F.A.C., to clarify how the time for filing an appeal is calculated. The Department intends to modify Rule 73B-20.022, F.A.C., to add an additional method for submitting withdrawals. The Department intends to amend Rule 73B-20.025, F.A.C., to clarify what needs to be in the appeals referee decisions and how the decision will be distributed. The Department intends to create a new rule to specify when an appeal may be dismissed.

Section 120.74(1)(c), F.S.

This section requires that the plan include any desired update to the prior year's regulatory plan or supplement published pursuant to section 120.74(7), F.S. The Department has no updates to its 2021-2022 Annual Regulatory Plan.

Section 120.74(1)(d), F.S.

The agency head and the person 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 August 2022.



Dane Eagle, Secretary
Department of Economic Opportunity
Date: September 26, 2022



Karen Gates, General Counsel
Department of Economic Opportunity
Date: September 23, 2022