

Department of Economic Opportunity's 2018-2019 Annual Regulatory Plan

Pursuant to section 120.74, F.S., the Department of Economic Opportunity ("DEO" or "the 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 F.S. were enacted or amended during the previous 12 months which create or modify the duties or authority of the agency:

A) Chapter 2018-55, Covenants and Restrictions

The law amended portions of Chapter 720, F.S., related to covenants and restrictions on real property. The law replaced the term "homeowners' association" with "property owners' association." The law authorizes real property parcel owners who were subject to covenants and restrictions but who do not have a homeowners' association to use the same mechanisms as a homeowners' association to revitalize extinguished covenants and restrictions. The law requires a homeowners' association to annually consider preservation of the covenants and restrictions. Finally, the law created a statutory form for preservation of the covenants and restrictions.

The Department does not have rulemaking authority under Chapter 720, F.S.

B) Chapter 2018-158, Developments of Regional Impact

This law modified portions of the Florida Statutes related to Developments of Regional Impact (DRI). This law eliminated state and regional review of existing DRIs, eliminated the Florida Quality Development (FQD) program, and transferred the responsibility for implementation of, and amendments to, DRI and FQD development orders to the local governments in which the developments are located. This law preserved existing DRI letters, development orders, agreements, and vested rights. This law transferred the DRI exemptions and partial exemptions currently found in s. 380.06, F.S., to s. 380.0651, F.S., which contain the statewide guidelines and standards for determining whether a proposed development is a DRI-sized development subject to state coordinated review.

The law repealed the Department's rules codified in Chapter 73C-40, F.A.C., and the repealed rules have been removed from the Florida Administrative Code.

C) Chapter 2018-159, Lands Used for Governmental Purposes

This law amended ss. 253.025(21) and 288.980(2)(b), F.S., to add procedures for the selection of lands under the Military Base Protection Program. The law requires DEO annually to request military installations in Florida to submit a list of base buffering encroachment lands for fee simple or less-than-fee simple acquisitions by October 1 of each year. The law requires DEO to submit a list of base buffering encroachment lands to the Florida Defense Support Task Force for review. The law requires DEO to submit its final list of base buffering encroachment lands to the Board of Trustees for acquisition. The law also amended s. 288.980(2)(c), F.S., to conform the definition of "nonconservation lands" in ch. 288, F.S., with the definition found in ch. 253, F.S.

The Department is not required to adopt rules related to this 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) The Department intends to revise and/or amend rules in Chapter 73C-1, F.A.C., which implements the Black Business Loan Program provided for in section 288.7102, F.S. The purpose of these rule revisions/amendments will be to improve and clarify the application process.
- B) The Department intends to revise and/or amend rules in Chapter 73C-23, F.A.C., which implements the Florida Small Cities Community Development Block Grant Program provided for in sections 290.0401-290.048, F.S. The purpose of these rule revisions/amendments will be to improve and clarify existing rules.
- C) The Department intends to revise and/or amend rules in Chapter 73B-10 and 73B-11, F.A.C., which implements reemployment assistance, as provided for in ch. 443, F.S. The purpose of these rule revisions/amendments will be to make changes, corrections, and update forms.
- D) The Department intends to file a notice of rule development by November 1, 2018, to implement the Everglades Agricultural Community Employment Training Program, section 446.71, F.S.

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 which was published pursuant to (7). The Department has the following updates to its 2017-2018 Annual Regulatory Plan:

- A) On April 26, 2018, the Department published Notice of Proposed Rule in Volume 44, Issue 82, of the Florida Administrative Register to repeal Rules 73C-48.004, 73C-48.005, 73C-48.024, and 73C-48.0032, F.A.C., for which the Department no longer has statutory authority.
- B) Between May 5 and July 6, 2018, the Department worked with the Department of State to effectuate a technical change to remove Chapter 73C-40, F.A.C., from the Florida Administrative Code. This technical change was necessitated by the enactment of Chapter 2018-158, Laws of Florida.

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 June 2018.



Cissy Proctor, Executive Director
Department of Economic Opportunity
Date: September 18, 2018



Peter Penrod, General Counsel
Department of Economic Opportunity
Date: September 17, 2018