



MEMORANDUM

AGENDA ITEM III. M

DATE: SEPTEMBER 10, 2012
TO: COUNCIL MEMBERS
FROM: STAFF
SUBJECT: RULE REVIEW

Background

Subsections 120.74(1) and 120.745(2), Florida Statutes (Fla. Stat.), require each agency to conduct a biennial review of its existing rules. Regional Planning Councils created under §186.504, Fla. Stat., are defined as an agency by §120.52, Fla. Stat. Attached are the two reports as well as their draft transmittal letter.

The review has identified four rules (Chapter 29J-2.001, General, Florida Administrative Code; Chapter 29J-2.002, Meetings, Hearings and Workshops; Chapter 29J-2.003, Developments of Regional Impact; and Chapter 29J-2.004, Intergovernmental Coordination and Review Procedures) that staff recommends be repealed since they are obsolete and unnecessary. The Council would retain two rules (Chapter 29J-2.009, *Strategic Regional Policy Plan for South Florida*, and 29J-3, Regional Dispute Resolution Process).

Recommendation

Approve the Enhanced Rule Review Report and post on the Council website for public comment prior to submission to President of the Senate, the Speaker of the House of Representatives, and the committee, with a copy to each appropriate standing committee of the Legislature.

September 10, 2012

The Honorable Mike Haridopolos, President
Florida Senate
Suite 409, The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1300

The Honorable Dean Cannon, Speaker
Florida House of Representatives
Suite 420, The Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300

Mr. Kenneth J. Plante, Coordinator
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400

Re: South Florida Regional Planning Council ("SFRPC") / 2012 Agency §120.74, Fla. Stat., Report

Dear Sirs:

Pursuant to the requirements of Section 120.74, Florida Statutes, the South Florida Regional Planning Council ("SFRPC") hereby certifies the following:

- (a) The SFRPC has identified that there is not a need to correct deficiencies in its rules;
- (b) The SFRPC has reviewed its rules contained in the Florida Administrative Code and has found that there is a need to amend Chapter 29J-2.009, FAC, during calendar year 2013;
- (c) The SFRPC has reviewed its rules contained in the Florida Administrative Code and finds it is necessary to delete the following obsolete or unnecessary rules:
 - Chapter 29J-2.001, General - obsolete/unnecessary.
 - Chapter 29J-2.002, Meetings, Hearings and Workshops - obsolete/unnecessary.
 - Chapter 29J-2.003, Developments of Regional Impact - obsolete/unnecessary.
 - Chapter 29J-2.004, Intergovernmental Coordination and Review Procedures - obsolete/unnecessary.
- (d) The SFRPC has reviewed its rules contained in the Florida Administrative Code and finds that there are no rules that are redundant of existing Florida Statutes;
- (e) The SFRPC always seeks to improve efficiency, reduce paperwork, or decrease costs to government in the private sector, and on a daily basis implements measures to ensure that these steps are taken;

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(f) With respect to contacting any agencies that have concurrent or overlapping jurisdiction to determine whether their rules can be coordinated to promote efficiency, reduce paperwork, or decrease costs to government in the private sector, the SFRPC is in contact on a regular basis with the State of Florida Department of Economic Opportunity (FDEO) regarding the SFRPC's responsibilities and obligations. To the extent that there are any concurrent or overlapping jurisdictional issues the SFRPC will work with the FDEO to promote efficiency, reduce paperwork, or decrease costs to government in the private sector.

(g) The SFRPC has reviewed its rules and determined that they do not have an adverse impact on small business and therefore, should be continued without charge.

This correspondence further certifies that the SFRPC has complied with the requirements of Section 120.74. In addition, there are no cases or disputes in which the SFRPC is involved which should be conducted under the summary hearing process described in Section 120.574, Florida Statutes.

If you require additional information, please do not hesitate to contact my office.

Sincerely,

James F. Murley
Executive Director

JFM/

cc: The Honorable Heather Carruthers, SFRPC Chair
Mr. Brian T. Moore, Chief Attorney
Members of the SFRPC Board
Mr. Sam Goren, Esquire