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Lorraine Mayers, SFWMD

Executive Director

Isabel Cosío Carballo, MPA

Legal Counsel

Samuel S. Goren, Esq.
Goren, Cherof, Doody &
Ezrol, P.A.

March 17, 2022

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

RE: Agency Regulatory Plan – South Florida Regional Planning Council

Dear Mr. Plant:

This is to confirm that the South Florida Regional Planning Council has reviewed its 2021 regulatory plan and found as follows:

- a. No laws were enacted or amended during the previous 12 months;
- b. In consultation with JAPC Senior Attorney Jamie Royal, we expect to update the 2021 regulatory plan with minor revisions to Rules Chapters 29J-2 and 29J-3 before the following July 1st.
- c. Other than these minor updates, no new laws are expected to be implemented by rulemaking before the following July 1st;
- d. The Council Chair, Executive Director, and Council Attorney certify that they have reviewed this plan and the agency regularly reviews its rules. The existing rules were most recently reviewed in association with the preparation of this report. The existing rules were determined to remain consistent with the agency's rulemaking authority and the laws implemented.

Certification:

Steve Geller, Chair

Isabel Cosío Carballo, Executive Director

Samuel Goren, Esquire, Council Attorney



WILTON SIMPSON

President



Senator Ben Albritton, Chair
Representative Rick Roth, Vice Chair
Senator Loranne Ausley
Senator Jason Brodeur
Senator Danny Burgess
Senator Shevrin D. "Shev" Jones
Representative Wyman Duggan
Representative Yvonne Hayes Hinson
Representative Thomas Patterson "Patt" Maney
Representative Angela "Angie" Nixon
Representative Anthony Sabatini

CHRIS SPROWLS

Speaker



KENNETH J. PLANTE
COORDINATOR
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-1400
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THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

February 28, 2022

Mr. Sam Goren, Esq.
General Counsel
Regional Planning Councils
South Florida Regional Planning Council
3099 E. Commercial Blvd.
Suite 200
Fort Lauderdale, Florida 33308-4311

**RE: Regional Planning Councils, South Florida Regional Planning Council
Existing Rule Numbers 29J-2.001, .002, .003, and .004**

Dear Mr. Goren:

In accordance with the Committee's responsibilities pursuant to section 120.545(1) and Joint Rule 4.6 of the Florida Legislature, I have reviewed the above-referenced existing rule. I have the following comments.

29J-2.001

The rule does not appear to meet the definition of a rule or to be "necessary to accomplish the apparent or expressed objectives of the specific provision of law which the rule implements." *See* ss. 120.52(16) and 120.545(1)(g), F.S.

29J-2.002

Please explain why s. 120.54, F.S., is listed as rulemaking authority and law implemented. Also, please explain why s. 186.501, F.S., is cited as rulemaking authority as the statute only provides the title of the "Florida Regional Planning Council Act." Additionally, it seems s. 186.505 should be cited as rulemaking authority. *See* ss. 120.52(9) and (17), F.S.

29J-2.002(1)

The rule requires persons to "notify the Chairman or the Executive Director not less than ten (10) days before the Council's upcoming public meeting, hearing or workshop" if they "wish to address the Council on a

matter not specifically included on the agenda.” How should persons notify the Chairman or Executive Director? Perhaps the rule should provide procedures for how persons should notify the Chairman or Executive Director. *See* s. 120.52(8)(d), F.S.

29J-2.003

Please explain why s. 120.54, F.S., is listed as rulemaking authority and law implemented. *See* ss. 120.52(9) and (17), F.S.

Also, s. 185.505, F.S., is listed as law implemented, however, the statute does not exist.

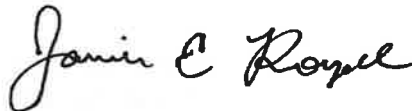
The rule states the Council “coordinates the multi-agency, intergovernmental review of Developments of Regional Impact (DRI), including Florida Quality Developments, and Areawide and Downtown DRIs, and amendments to same in accordance with Section 380.06, F.S., and Chapter 9J-2, F.A.C.” Section 380.06, F.S., has been substantively amended since the adoption of the rule. Also, Ch. 9J-2, F.A.C. was transferred to Ch. 78C-40, F.A.C. and subsequently repealed in 2017. Please review and advise whether the amendments to s. 380.06, F.S., and repeal of Ch. 78C-40 require further updates to this rule. Additionally, citation to Ch. 9J-2, F.A.C. should be removed.

29J-2.004

Please explain why s. 120.54, F.S. is listed as rulemaking authority and law implemented. *See* ss. 120.52(9) and (17), F.S.

Please let me know if you have any questions. Otherwise, I look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Jamie E. Royal". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Jamie E. Royal
Senior Attorney

WILTON SIMPSON
President



Senator Ben Albritton, Chair
Representative Rick Roth, Vice Chair
Senator Lorraine Ausley
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General Counsel
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Suite 200
Fort Lauderdale, Florida 33308-4311

**RE: Regional Planning Councils, South Florida Regional Planning Council
Existing Rule Numbers 29J-3.001, .002 and .013**

Dear Mr. Goren:

In accordance with the Committee's responsibilities pursuant to section 120.545(1) and Joint Rule 4.6 of the Florida Legislature, I have reviewed the above-referenced existing rule. I have the following comments.

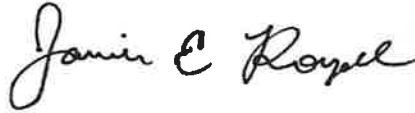
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|----------------------|--|
| 29J-3.001(3) | The rule reiterates statutory language found in s. 186.509, F.S. <i>See</i> ss. 120.545(1)(c) and 120.52(16), F.S. |
| 29J-3.001(4) | See comment for 29J-3.001(3). |
| 29J-3.002(9) | The s in "subsection" should be capitalized. |
| 29J-3.002(10) | See comment for 29J-3.002(9). |
| 29J-3.013(2) | The rule requires mediators to be "guided by the Standards of Professional Conduct, Florida Rules of Civil Procedure, Rule 10, Part II, Section 020-150." It appears the citation to these standards should be updated and should be incorporated by |

Mr. Sam Goren, Esq.
February 28, 2022
Page 2

reference. *See* s. 120.52(20), F.S., and Rule 1-1.013, F.A.C.

Please let me know if you have any questions. Otherwise, I look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Jamie E. Royal". The signature is written in a cursive, flowing style.

Jamie E. Royal
Senior Attorney

JER:yw #186059-186061