



MEMORANDUM

AGENDA ITEM #IV.I

DATE: SEPTEMBER 19, 2022

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: RULE 29J-2 AND RULE 29J-3 UPDATE

This is an update to rulemaking authority references and certain provisions of Rules 29J-2 and 29J-3 as required by Florida Law. Council staff has worked with Legal Counsel to prepare this update. Attached are Notice of Proposed Rules to be published with the Florida Administrative Code and Register.

Recommendation

Approve the Notice of Proposed Rule for 29J-2 and 29J-3.



South Florida Regional Planning Council
1 Oakwood Boulevard, Suite 250, Hollywood, Florida 33020
954.924-3653 Phone, 954.924-3654 FAX
www.sfregionalcouncil.org

NOTICE OF PROPOSED RULE

REGIONAL PLANNING COUNCILS South Florida Regional Planning Council

RULE NO.: RULE TITLE

29J-2.002	Meetings, Hearings and Workshops
29J-2.003	Developments of Regional Impact (DRI)
29J-2.004	Intergovernmental Coordination and Review Procedures

PURPOSE AND EFFECT: The purpose of the revisions to the proposed rules is to update certain rulemaking authority references and to otherwise update certain provisions of 29J-2.002, 29J-2.003, 29J-2.004 to comply with current Florida law.

SUMMARY: Proposed revisions to Rule 29J-2 amends the language, correspondence, and coordination in the DRI review process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The determination by the Agency staff that the proposed rule's potential economic impact did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 163.01, 186.505, F.S.

LAW IMPLEMENTED: 163.01, 163.01(5)(h), 186.505, 186.505(1), F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Isabel Cosio Carballo at (954)924-3653 or isabelc@sfrpc.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Isabel Cosio Carballo, Executive Director, South Florida Regional Planning Council, One Oakwood Boulevard, Suite 250, Hollywood, Florida 33020. (954)924-3653 or isabelc@sfrpc.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

29J-2.002 Meetings, Hearings and Workshops.

(1) Persons who wish to address the Council on a matter not specifically included on the agenda for the Council's upcoming public meeting, hearing or workshop shall so notify the ~~Chairman~~ or the Executive Director in writing to the South Florida Regional Planning Council, One Oakwood Boulevard, Suite 250, Hollywood, Florida 33020 Attn: Chair or Executive Director, not less than ten (10) days before the Council's upcoming public meeting, hearing or workshop. The ~~Chairman~~ or Executive Director shall include the party on the agenda or notify the party in writing of the reasons for not including the person on the agenda.

(2) Persons participating in a public meeting, hearing or workshop of the Council shall be allocated a reasonable amount of time to present oral testimony and offer any appropriate written materials relevant to the person's position. The ~~Chairman~~ shall instruct all persons as to the amount of time allocated for presentation and as to the appropriateness of written materials offered.

(3) No Change.

Rulemaking Authority ~~120.54, 163.01, 186.505~~ 186.505 ~~186.501~~ FS. Law Implemented 120.54, 163.01(5)(h), 186.505 FS. History—New 8-6-75, Formerly 29J-2.02.

29J-2.003 Developments of Regional Impact (DRI).

The South Florida Regional Planning 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., as amended,~~ and the Strategic Regional Policy Plan for South Florida (Rule 29J-2.009, F.A.C.).

Rulemaking Authority ~~120.54, 186.505~~ FS. Law Implemented 120.54, 186.505 ~~185.505~~ FS. History—New 8-6-75, Amended 7-6-81, 9-1-81, Formerly 29J-2.03, Amended 6-2-86, 11-9-86, 5-3-87, 11-30-87, 12-26-88, 3-9-99.

29J-2.004 Intergovernmental Coordination and Review Procedures.

(1) through (5) No change

Rulemaking Authority ~~120.54, 163.01, 186.505~~ FS. Law Implemented 120.54, 163.01, 186.505 FS. History—New 8-6-75, Formerly 29J-2.04, Amended 3-9-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Isabel Cosio Carballo, Executive Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Regional Planning Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: _____

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 30, 2022

NOTICE OF PROPOSED RULE

REGIONAL PLANNING COUNCILS

South Florida Regional Planning Council

RULE NO.:	RULE TITLE
29J-3.001	Purpose
29J-3.002	Definitions
29J-3.013	Mediation

PURPOSE AND EFFECT: The purpose of the revisions to the proposed rules is to update certain rulemaking authority references and to otherwise update certain provisions of 29J-3.001, 29J-3.002 and 29J-3.013 to comply with current Florida law

SUMMARY: Proposed revisions to Rule 29J-3 include redundant language, incorporating new material, updating and correcting tyographical errors.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The determination by the Agency staff that the proposed rule's potential economic impact did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 163.01, 186.505, 186.509, F.S.

LAW IMPLEMENTED: 120.54, 163.01, 163.01(5)(h), 186.505, 186.505(1), 186.509, F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Isabel Cosio Carballo at (954)924-3653 or isabelc@sfrpc.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Isabel Cosio Carballo, Executive Director, South Florida Regional Planning Council, One Oakwood Boulevard, Suite 250, Hollywood, Florida 33020. (954)924-3653 or isabelc@sfrpc.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

29J-3.001 Purpose.

(1) through (2) No Change.

~~(3) The RDRP may be used to resolve disputes involving: extrajurisdictional impacts as provided for in the intergovernmental coordination elements of local comprehensive plans, as required by Section 163.3177, F.S.; inconsistencies between port master plans and local comprehensive plans, as required by Section 163.3178, F.S.; the siting of community residential homes, as required by Section 419.001(5), F.S.; and any other matters covered by statutes which reference the RDRP.~~

~~(4) The RDRP shall not be used to address disputes involving environmental permits or other regulatory matters unless all of the parties involved agree to initiate use of the RDRP.~~

~~(4)(5)~~ Use of the RDRP shall not alter a jurisdiction's, organization's, group's, or individual's right to a judicial or administrative determination of any issue if that entity is entitled to such a determination under statutory or common law.

~~(5)(6)~~ Participation in the RDRP as a named party or in any other capacity does not convey or limit intervenor status or standing in any judicial or administrative proceedings.

Rulemaking Authority 186.509 FS. Law Implemented 186.509 FS. History—New 8-17-94.

29J-3.002 Definitions.

(1) through (6) No Change.

(7) Named party shall be any jurisdiction, public or private organization, group or individual who is named in an initiation letter, including the initiating jurisdiction, or is admitted by the named parties to participate in settlement of a dispute pursuant to §subsection 29J-3.003(1), (2) and (3), F.A.C. Being a named party in the RDRP does not convey or limit standing in any judicial or administrative proceeding.

(8) Representative is an individual who is given guidance and authority to act, to the extent possible, by a named party to represent them in a RDRP case. §subsection 29J-3.003(4), F.A.C., sets forth the designation process.

(9) Initiation letter is a letter from a jurisdiction formally identifying a dispute and asking named parties to engage in this process to resolve the dispute and, at a minimum, attend the initial settlement meeting. §subsection 29J-3.010(2), F.A.C., specifies what must be included in an initiation letter.

(10) Response letter formally notifies the initiator and other named parties that a party is willing to participate in the RDRP and, at a minimum, attend at least one settlement meeting. §subsection 29J-3.010(3), F.A.C., specifies what must be included in a response letter.

(11) No Change.

Rulemaking Authority 186.509 FS. Law Implemented 186.509 FS. History—New 8-17-94.

29J-3.013 Mediation.

(1) No Change.

(2) All disputes shall be mediated by a mediator who understands Florida growth management issues, has mediation experience, and is acceptable to the parties. Parties may consider mediators who are on the Florida Growth Management Conflict Resolution Consortium rosters or any other mutually acceptable mediator. Mediators shall be guided by the Florida Rules for Certified and Court Appointed Mediators, Part II Standards of Professional Conduct (amendments as of 2/15/22), <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>, which shall be incorporated herein by reference. A copy of the material may be obtained at rules-certified-court-appointed-mediators.pdf (flcourts.org) or (contacting South Florida Regional Planning Council, One Oakwood Boulevard, Suite 250, Hollywood, Florida 33020. (954)924-3653), ~~Florida Rules of Civil Procedure, Rule 10, Part II, Section 020-150.~~

(3) No Change.

Rulemaking Authority 186.509 FS. Law Implemented 186.509 FS. History—New 8-17-94.

NAME OF PERSON ORIGINATING PROPOSED RULE: Isabel Cosio Carballo, Executive Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Regional Planning Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: _____

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 30, 2022